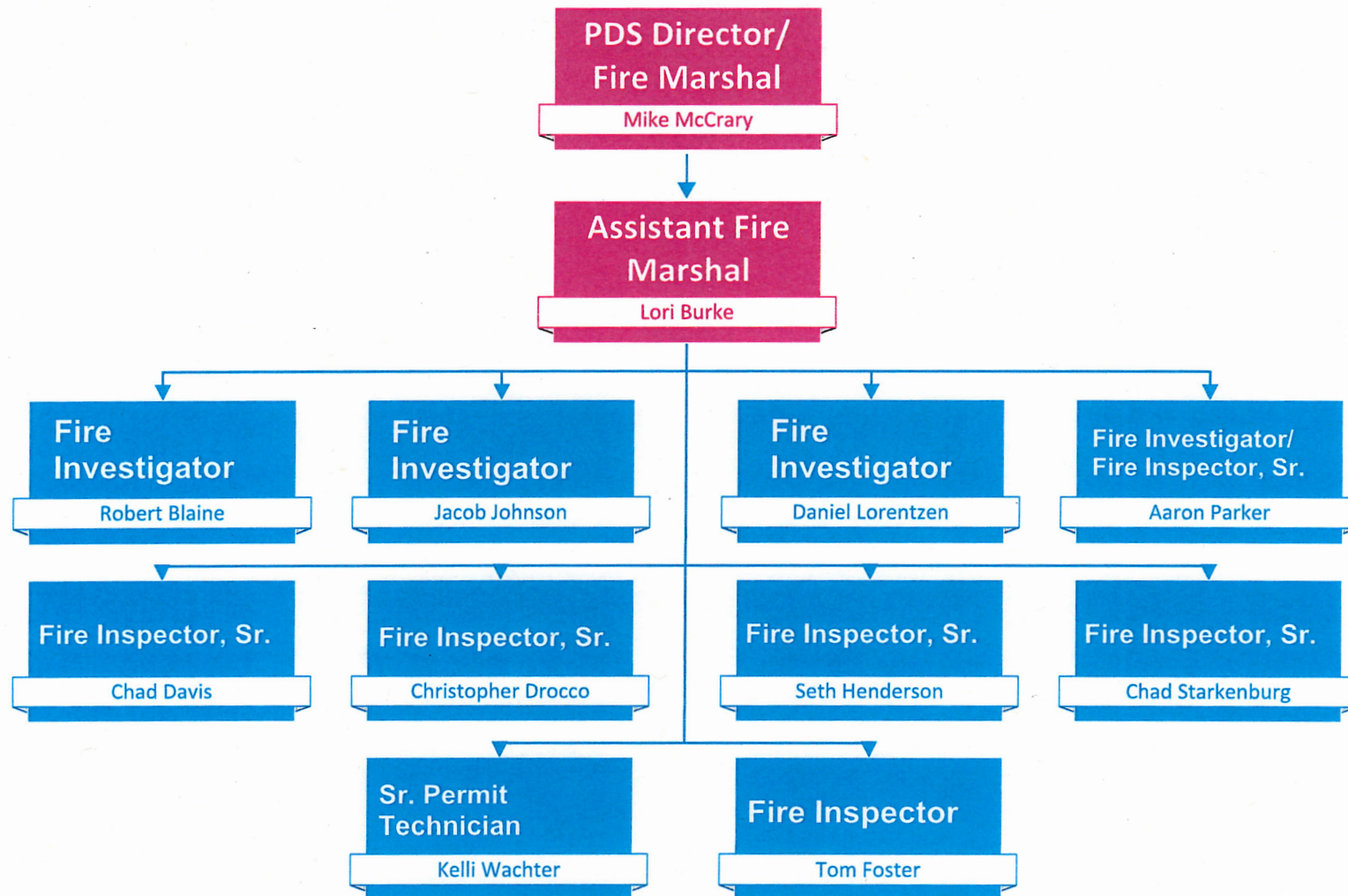


# Snohomish County Fire Marshal's Office



## Law Enforcement Certification

### 101.1 PURPOSE AND SCOPE

All limited authority sworn investigators employed by the Snohomish County Fire Marshal's Office shall receive certification by CJTC prior to assuming law enforcement duties and responsibilities, and shall begin attending an approved academy within the first twelve months of employment as required by RCW 43.101.200(2)(a).

## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Snohomish County Fire Marshal's Office to perform their functions based on established legal authority.

### 100.2 POLICY

It is the policy of the Snohomish County Fire Marshal's Office to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, investigators are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

### 100.3 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law.

#### 100.3.1 ARREST AUTHORITY

The arrest authority of the Snohomish County Fire Marshal's Office includes (RCW 10.31.100):

- (a) When a peace officer has probable cause to believe that a person has committed or is committing a felony, the peace officer shall have the authority to arrest the person without a warrant.
- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of a peace officer, except as provided in RCW 10.31.100 (e.g., when there is probable cause for certain offenses that involve domestic violence, driving under the influence, motor vehicle accidents).
- (c) A peace officer may arrest a person in compliance with an arrest warrant after confirming the existence and extradition. A peace officer making an arrest must inform the person that the peace officer is acting under the authority of a warrant and must provide the person with a copy of the warrant at the time of the arrest or arrival at the holding facility.

#### 100.3.2 OREGON AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles of the Washington-Oregon border under the following circumstances (ORS 133.405):

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

# Snohomish County Fire Marshal's Office

## Policy Manual

### *Law Enforcement Authority*

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- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, whether or not an Oregon law enforcement official is present at the scene of the incident.

Snohomish County Fire Marshal's Office investigators have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, investigators should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, investigators exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

#### **100.4 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When a fire investigator enters Idaho or Oregon in fresh pursuit of a person believed to have committed a felony (Idaho Code 19-701; ORS 133.430).

When a fire investigator makes an arrest in Idaho or Oregon, the arresting deputy fire marshal/investigator shall cause the person to be taken without delay to a magistrate in the county where the arrest was made (Idaho Code 19-702; ORS 133.440).

#### **100.5 CONSTITUTIONAL REQUIREMENTS**

All members shall observe and comply with every person's clearly established rights under the United States and Washington Constitutions.



# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the Snohomish County Fire Marshal's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

## 103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Snohomish County Fire Marshal's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Snohomish County Fire Marshal's Office reserves the right to revise any policy content, in whole or in part.

## 103.3 AUTHORITY

The PDS Director/Fire Marshal shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The PDS Director/Fire Marshal or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

## 103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

## 200.2 POLICY

The Snohomish County Fire Marshal's Office will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

## 200.3 SECTIONS

The PDS Director/Fire Marshal is responsible for administering and managing the Snohomish County Fire Marshal's Office and has the authority to spend funds in the approved budget for its day-to-day operation. There are three sections in the Fire Marshal Department as follows:

- Administration/Operations Section
- Fire Inspection Unit
- Fire Investigative Unit

### 200.3.1 ADMINISTRATION SECTION

The Administration/Operations Section is commanded by an assigned Assistant Fire Marshal, whose primary responsibility is to provide general management, direction, and control for the Administration section. The Administration Section consists of technical and administrative services.

### 200.3.2 OPERATIONS SECTION

The Operations Section is commanded by an assigned Assistant Fire Marshal, whose primary responsibility is to provide general management, direction, and control for the Operations Section. The Operations Section consists of uniformed inspectors, investigators, and fire marshal senior permit technician.

### 200.3.3 FIRE INVESTIGATIVE UNIT

The Fire Investigative Unit is commanded by an assigned Assistant Fire Marshal, whose primary responsibility is to provide general management, direction, and control for the Fire Investigative Unit. The Fire Investigative Unit consists of investigators that are subject to policies within this manual, along with guides and standards outlined in the latest editions of NFPA 921, 1033, and 1321.

## 200.4 COMMAND PROTOCOL

# Snohomish County Fire Marshal's Office

## Policy Manual

### *Organizational Structure and Responsibility*

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#### 200.4.1 SUCCESSION OF COMMAND

The PDS Director/Fire Marshal exercises command over all members of the Snohomish County Fire Marshal's Office. During planned absences, the PDS Director/Fire Marshal will designate an Assistant Fire Marshal to serve as the acting Fire Marshal.

Except when designated as above, the order of command authority in the absence or unavailability of the PDS Director/Fire Marshal is as follows:

- (a) Administrative/Operations Assistant Fire Marshal
- (b) Senior Fire Inspector
- (c) Fire Investigator

#### 200.4.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each member shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment, any supervisor may temporarily direct any subordinate if an operational necessity exists.

# Snohomish County Fire Marshal's Office

## Policy Manual

### *Policy Manual*

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**AHJ** - Authority Having Jurisdiction

**CFR** - Code of Federal Regulations.

**County** - The County of Snohomish County Fire Marshals Office.

**Noncommissioned** - Employees and volunteers who are not sworn peace officers.

**CJTC** - The Criminal Justice Training Commission.

**Department/SCFMO** - The Snohomish County Fire Marshal's Office.

**DOL** - The Department of Licensing.

**Employee** - Any person employed by the Department.

**IFC** - International Fire Code

**Juvenile** - Any person under the age of 18 years.

**Manual** - The Snohomish County Fire Marshal's Office Policy Manual.

**May** - Indicates a permissive, discretionary, or conditional action.

**Member** - Any person employed or appointed by the Snohomish County Fire Marshal's Office, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary Investigators
- Noncommissioned employees
- Volunteers

**NFPA** – National Fire Protection Association

**Deputy Fire Marshal/Investigator** - Those employees, regardless of rank, who are sworn peace officer employees of the Snohomish County Fire Marshal's Office.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Peace officer** - Includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" (RCW 10.93.020). Peace officers are generally referred to as investigators in this manual (Washington State Office of the Attorney General Model Use of Force Policy).

**Rank** - The title of the classification held by a fire investigator.

**RCW** - Revised Code of Washington (Example: RCW 9.41.040).

**Shall or will** - Indicates a mandatory action.

# Snohomish County Fire Marshal's Office

## Policy Manual

### *Policy Manual*

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**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**SCC** – Snohomish County Code

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., deputy fire marshal/investigator-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

**WAC** - The Washington Administrative Code (Example: WAC 296-24-567).

**WSFC** -Washington State Fire Code.

**WSP** - The Washington State Patrol.

### **103.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the PDS Director/Fire Marshal or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **103.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The PDS Director/Fire Marshal will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **103.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

# Snohomish County Fire Marshal's Office

## Policy Manual

### *Policy Manual*

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Each Assistant Fire Marshal will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Assistant Fire Marshals, who will consider the recommendations and forward them to the command staff as appropriate.

## Training

### 203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

### 203.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and the Washington Criminal Justice Training Commission (CJTC) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

### 203.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with CJTC rules and regulations concerning law enforcement training.

### 203.4 ASSISTANT FIRE MARSHAL

The PDS Director/Fire Marshal shall designate an Assistant Fire Marshal who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Assistant Fire Marshal should review the training plan annually.

### 203.5 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

#### 203.5.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

- (a) Federally mandated training:
  - 1. National Incident Management System (NIMS) training

# Snohomish County Fire Marshal's Office

## Policy Manual

### Training

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(b) State-mandated training:

1. All investigators will successfully complete an annual in-service training program of no less than 24 hours that includes the training required by the CJTC (WAC 139-05-300).
  - (a) Successful completion of the CJTC's two-hour annual online crisis intervention course shall be included in the 24 hours (RCW 43.101.427).
2. All investigators must complete a minimum of 40 hours of continuing de-escalation and mental health training every three years as provided in WAC 139-11-020 and WAC 139-11-060.
  - (a) This training may substitute the annual 24 hours in-service requirement under WAC 139-05-300 in the year the deputy fire marshal/investigator completes the 40-hour violence de-escalation training.
3. All supervisors and managers will complete appropriate training and obtain certification as required by CJTC (RCW 43.101.350).
4. Any request for exemption, waiver, extension, or variance from any requirement of CJTC training must be made under WAC 139-03-030 and corresponding information be made available to the public in accordance with the Records Maintenance and Release Policy (WAC 139-11-030).

#### **203.6 TRAINING COMMITTEE**

The Assistant Fire Marshal may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should be composed of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Assistant Fire Marshal may remove or replace members of the committee at their discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee should review include but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury, or civil liability.
- (c) Incidents identified by the Department to determine possible training needs.

The Training Committee should convene on a regular basis as determined by the Assistant Fire Marshal to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Assistant Fire Marshal. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.



### *Training*

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The Assistant Fire Marshal will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources. Training recommendations as determined by the Assistant Fire Marshal shall be submitted to the PDS Director/Fire Marshal for review.

#### **203.7 TRAINING ATTENDANCE**

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
  - 1. Court appearances.
  - 2. Previously approved vacation or time off.
  - 3. Illness or medical leave.
  - 4. Physical limitations preventing the member's participation.
  - 5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall notify their supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
  - 1. Document the absence in a memorandum to the member's supervisor.
  - 2. Make arrangements through their supervisor or the Assistant Fire Marshal to attend the required training on an alternate date.

#### **203.8 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Snohomish County Fire Marshal's Office Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Assistant Fire Marshal.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Assistant Fire Marshal. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignments unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

# Snohomish County Fire Marshal's Office

## Policy Manual

### *Training*

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#### **203.9 TRAINING RECORDS**

The Assistant Fire Marshal is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

##### **203.9.1 TRAINING DOCUMENTATION**

Detailed records shall be kept of all in-service training sponsored by or presented on behalf of the Snohomish County Fire Marshal's Office. Records should minimally include:

- An overview of the course content and/or an instructor lesson plan.
- Names and agency contact information of all attendees.
- Instructor credentials or resume.
- Individual attendee test results (if applicable).
- A course completion roster.

### 30.53A.132 Appointment.

The fire marshal shall be appointed by the director, pursuant to chapter [2.01](#) SCC. (Added by Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 14-059, Aug. 27, 2014, Eff date Sept. 13, 2014).

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**The Snohomish County Code is current through legislation passed December 18, 2024.**

Disclaimer: The Clerk of the Council's Office electronically retains the ordinances as passed by Council and subsequently enacted. The Snohomish County Code is updated on the web as new ordinances become effective, and includes new ordinances through 24-111. New ordinances do not necessarily become effective in chronological or numerical order. Users should contact the Clerk of the Council's Office for information on legislation not yet reflected in the web version.

For questions related to the Snohomish County Code, contact the Code Reviser (Council Office): [425-388-3494](tel:425-388-3494).

**Please note that Code Enforcement is not related to the management of County Code.**

For questions and information related to Code Enforcement in Planning and Development Services (PDS), please go to the PDS website at

[Code Enforcement | Snohomish County, WA – Official Website \(snohomishcountywa.gov\)](#) or call [425-388-3650](tel:425-388-3650).

[County Website: snohomishcountywa.gov](http://snohomishcountywa.gov)

[Hosted by General Code.](#)

### 30.53A.134 Personnel and police.

- (1) The Snohomish County fire marshal and members of the fire marshal's office with the required training and certification may be designated by the fire marshal as a limited authority Washington peace officer as defined in chapter [10.93](#) RCW, with the authority to detect and investigate arson, reckless burning, and malicious mischief as defined in chapter [9A.48](#) RCW, and any crimes related directly thereto.
- (2) The Snohomish County sheriff may be petitioned to commission the Snohomish County fire marshal and members of the office of the fire marshal recommended by the fire marshal as specially commissioned Washington peace officers, as defined in chapter [10.93](#) RCW, upon satisfaction of the training and other requirements prescribed or approved by the Washington Criminal Justice Training Commission, for purposes of administering and enforcing the fire code and this chapter.
- (3) The Snohomish County sheriff may assign such available deputy sheriffs as he or she deems necessary to assist the fire marshal in administering and enforcing the fire code. (Amended by Amended Ord. 14-059, Aug. 27, 2014, Eff date Sept. 13, 2014; Amended by Amended Ord. 17-058, Oct. 18, 2017, Eff date Nov. 9, 2017).

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### **30.53A.136 Deputies.**

In accordance with Snohomish County procedures and with the concurrence of the director, the fire marshal shall have the authority to appoint a deputy fire marshal, other related technical officers, inspectors and other employees. (Added by Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 14-059, Aug. 27, 2014, Eff date Sept. 13, 2014).

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### **30.53A.138 Liability and legal defense.**

The liability of employees and officials while performing their official duties under the fire code is governed by SCC [2.90.085](#). (Added by Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 14-059, Aug. 27, 2014, Eff date Sept. 13, 2014).

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### **30.53A.142 Authority and responsibilities - general.**

The fire marshal is hereby authorized to enforce the provisions of the fire code and shall have the authority to render interpretations of the fire code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of the fire code and shall not have the effect of waiving requirements specifically provided for in the fire code. (Added by Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 14-059, Aug. 27, 2014, Eff date Sept. 13, 2014).

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### **30.53A.130 Fire Marshal's Office - general.**

The Fire Marshal's Office is established within the department. The function of the office shall be the implementation, administration and enforcement of the provisions of the fire code as follows:

- (1) The Fire Marshal's Office is established in the department under the director's direction. The fire marshal shall be expressly employed for that position. As used in the IFC, the term "fire code official" means the Snohomish County Fire Marshal. The duties and responsibilities of the fire marshal shall include fire plan review, fire inspections, fire investigations, and fire prevention.
- (2) The fire commissioners and fire chiefs of the various fire districts in Snohomish County shall advise the director in the selection of a fire marshal and in the selection of inspectors in order that properly qualified persons may be selected.
- (3) The fire marshal shall have no control, expressed or implied, over the operation, functioning, expenditures, tactics, personnel, equipment or any other function of a fire department or fire district, except in performance of duties connected with fire code enforcement, or unless specifically requested by the proper district authority.
- (4) The fire marshal shall assist and cooperate with such officers and agencies as: state fire marshal, private insurance companies, authorized police, state and federal agencies. The fire marshal is authorized to visit, or otherwise contact such agencies as: Association of Washington Cities, National Fire Protection Association, Washington Surveying and Rating Bureau, and other like associations and organizations representing fire interests. (Added by Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 14-059, Aug. 27, 2014, Eff date Sept. 13, 2014).



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