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Title: AN ORDINANCE relating to fire investigations; amending Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055 and Ordinance 1438, Section 3(C), as amended, and K.C.C. 2.16.060.

Sponsors: Dow Constantine

Indexes: Fire Dept

Code sections: 2.16.055 -, 2.16.060 -

Attachments: 1. 15921.pdf, 2. 2007-0359 Attachment #2 for 10-04-07 LJHS ~ KCDDDES, FIU Safety Review.pdf, 3. 2007-0359 Attachment #3 for 10-04-07 LJHS - Proposed Amendment S1.doc, 4. 2007-0359 REVISED Staff Report from 10-04-07 LJHS.doc, 5. 2007-0359 Staff Report for 10-04-07 LJHS.doc

Date	Ver.	Action By	Action	Result
10/15/2007	2	Metropolitan King County Council	Hearing Held	
10/15/2007	2	Metropolitan King County Council	Passed	Pass
10/4/2007	2	Law, Justice and Human Services Committee	Recommended Do Pass Substitute Consent	Pass
6/18/2007	1	Metropolitan King County Council	Introduced and Referred	

CE 10/10/2007

AN ORDINANCE relating to fire investigations; amending Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055 and Ordinance 1438, Section 3(C), as amended, and K.C.C. 2.16.060.

PREAMBLE:

King County's fire investigation unit is King County's first line of defense in identifying and combating arson. These trained and certified investigators serve residents of unincorporated King County and of 16 cities through contracts with King County.

The Fire Investigation Unit is currently housed within the fire marshal's office in the department of development and environmental services.

King County fire investigators function as law enforcement personnel, performing

investigations, questioning witnesses and responding to incidents around the clock. All fire investigation personnel are specially commissioned by the King County office of the sheriff ("KCSO") and investigators utilize KCSO radio frequencies and the KCSO property management unit. Fire investigators are included within the new public safety employees retirement system.

Given the law enforcement duties performed by members of the fire investigation unit, the KCSO would be a more appropriate agency to supervise its operations.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055 are each hereby amended as follows:

A. The department of development and environmental services is responsible to manage and be fiscally accountable for the building services division, land use services division, fire marshal division and administrative services division. The director of the department shall be the county planning director, zoning adjuster and responsible official for purposes of administering the state Environmental Policy Act, and may delegate those functions to qualified subordinates. The department shall be responsible for regulating the operation, maintenance and conduct of county-licensed businesses, except taxicab and for-hire drivers and vehicles. The department shall be responsible for managing and coordinating the implementation of Growth Management Act requirements, coordinating county and regional land use planning with public and private agencies, developing proposed policies to address regional land use planning and developing and overseeing the countywide program for implementation of the county's Comprehensive Plan including coordinating the implementation of plans that are developed by departments.

B. The building services division shall be responsible for ensuring consistent and efficient administration of environmental, building and land use codes and regulations for commercial and residential

projects by means of permit review and approval, construction inspections and public information. The manager of the building services division shall be the county building official. The duties of the division shall include the following:

1. Permit center and public information;
2. Building plan and application review, including building, mechanical, barrier-free, energy, security and other uniform code reviews;
3. Site review, including engineering and critical areas review of permit applications;
4. Inspections, including new-construction inspections for compliance with site and building code requirements.

C. The land use services division shall be responsible for the effective processing and timely review of land development proposals, including zoning variance and reclassification, master drainage plans, variances from the surface water design manual and the King County road standards, critical area, subdivision, right-of-way use, urban planned development, clearing and grading, shoreline, special use and conditional use applications. The duties of the division shall include the following:

1. Permit center and public information;
2. Plan review, including the review of applications for compliance with shorelines, critical areas, subdivision and other zoning regulations, road standards and variances from the surface water design manual, as well as community plans and utility comprehensive plans;
3. Engineering review and inspection, including the review of clearing and grading applications and review of engineering plans for compliance with adopted road and drainage standards and specifications;
4. Development inspection, including inspection of construction activity to ensure compliance with approved plans and codes;
5. Develop and assist in implementing local and subarea specific plans for urban and rural areas,

consistent with the Comprehensive Plan;

6. Develop proposed policies to address long-range comprehensive land use planning and analyze and provide proposed updates to the Comprehensive Plan on an annual basis;

7. Develop proposed county plans, programs and policies and implement regulations on environmental issues, including critical areas and mineral resources, and serve as the contact for cities and agencies, providing appropriate research in support of county initiatives on these issues;

8. Administer the state Environmental Policy Act and act as lead agency, including making the threshold determinations, determining the amount of environmental impact and reasonable mitigation measures and coordinating with other departments and divisions in the preparation of county environmental documents or in response to environmental documents from other agencies;

9. Monitor the cumulative effects of the county's Comprehensive Plan and other plans, policies and laws intended to protect natural and community resources while permitting development and growth, and providing periodic status reports to the executive and council; and

10. Pursue and resolve code violations, including preparing for administrative or legal actions, evaluating the department's success in obtaining compliance with King County rules and regulations and designing measures to improve compliance.

D. The fire marshal division shall be responsible for programs designed to reduce the potential risk of fires and for investigating the causes of fires. The manager of the fire marshal division shall be the county fire marshal. The duties of the division shall include the following:

1. Development and implementation of an inspection program to identify fire hazards and require conformance with K.C.C. Title 17;

2. ~~((Investigation into the origin, cause, circumstances and extent of loss of all fires.))~~

~~3.))~~ Review of building plans and applications for compliance with K.C.C. Title 17; and

~~((4.))~~ 3. Inspections, including inspections of new construction, for compliance with K.C.C. Title 17.

E. The administrative services division shall provide support services throughout the department, including personnel and payroll support, budget support, financial services, information services, facilities management and support, and records management and program analysis services.

SECTION 2. Ordinance 1438, Section 3(c), as amended, and K.C.C. 2.16.060 are each hereby amended as follows:

A. The department of public safety, as identified in ~~((the))~~ Section 350.20.40 of the King County Charter~~((;))~~ and managed by the King County sheriff, may also be known and cited in the King County Code and in other usage as the office of the sheriff. Employees managed by the King County sheriff may be referred to in the King County Code or otherwise, as King County police, King County officer~~((;))~~ or deputy sheriff.

B. The department of public safety is responsible to keep and preserve the public peace and safety including the discharge of all duties of the office of sheriff under ~~((S))~~state law, except those duties relating to jails and inmates which are performed by other departments of county government. The functions of the department include:

1. Oversee a crime prevention program, investigate crimes against persons and property and arrest alleged offenders.
2. Execute the processes and orders of the courts of justice and all other mandated functions required by law.
3. In coordination with the office of emergency management, plan and coordinate resources for the public safety and welfare in the event of a major emergency or disaster.
4. Provide service and administrative functions which support but do not duplicate other governmental activities, and which have the potential to be fiscally self-supportive.
5. Investigate the origin, cause, circumstances and extent of loss of all fires.

C. The department of public safety shall be composed of the following divisions:

1. Field operations division. The division of field operations shall be responsible for administering resources allocated to the functions of police patrol, general criminal investigation, crime prevention, traffic, and emergency management.

2. Technical services division. The division of technical services shall be responsible for administering resources allocated to the functions of:

- a. civil process;
- b. fiscal control;
- c. communications;
- d. personnel and training;
- e. records and identification; and
- f. property management, including evidence; stolen, lost or unclaimed property; and department equipment and supplies.

3 a. Criminal investigation division. The division of criminal investigation shall be responsible for administering resources allocated to the functions of:

- (1) major crimes investigation;
- (2) narcotics investigation;
- (3) gambling and vice investigation;
- (4) criminal warrants;
- (5) fire and arson investigation in accordance with RCW 43.44.050; and
- (6) ((sundry)) other criminal investigations not conducted in the field operations division

b. Fire investigations shall be conducted under the direction of the fire investigation supervisor, who shall also be considered an assistant fire marshal for the purposes of chapter 43.44 RCW. The functions of the fire and arson investigation unit include, but are not limited to: investigation and determination of the origin and cause of fires; preparation of detailed informational, investigative and statistical reports; conducting

criminal follow-up investigations, including detection, apprehension and prosecution of arson suspects; providing expert testimony in court for criminal and civil cases; maintenance of records of fires; preparation and submission of annual reports to the county sheriff and other entities as required by chapters 43.44 and 48.50 RCW.

SECTION 3. This ordinance takes effect January 1, 2008.

official paper 30 days prior