



TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Lacey G. Simpson, Acting City Manager

DATE: September 7, 2022

RE: **Update on Fire Prevention – Fire Marshal**

Attached for City Council review is a report prepared by Ketchikan Fire Marshal Gretchen O'Sullivan regarding the status of fire prevention through the Ketchikan Fire Department and areas identified for improvement and change. This report was developed partially in response to a future agenda item requested by Councilmember Mahtani at the May 19, 2022 City Council meeting regarding fire code enforcement and violations.

Fire Marshal O'Sullivan will provide a brief overview of her prepared report at the September 15, 2022 City Council meeting including recommendations for improvements to be presented to the City Council for consideration at future meetings.



KETCHIKAN FIRE DEPARTMENT

Integrity, Professionalism, Respect, Compassion, Teamwork, and Innovation
70 Bawden Street Ketchikan, Alaska 99901
Phone (907) 225-9616 – Fax (907) 225-9613
Fire Chief Rick Hines
e-mail: rickh@city.ketchikan.ak.us

Memorandum

TO: Lacey Simpson, Acting City Manager
FROM: Rick Hines, Fire Chief
DATE: September 6, 2022
SUBJECT: Fire Prevention White Paper

Acting Manager Simpson,

Recently, the need for a long-term Fire Prevention Strategy has appeared publicly. The current Fire Marshall, Gretchen O'Sullivan, has written a White Paper on the state of Fire Prevention in Ketchikan. This paper includes a history of fire prevention, an outline of the duties assumed by the Fire Marshall's Office, and a plan of action to improve Fire Prevention in Ketchikan.

The recommended improvements are as follows.

1. Implement the Compliance Engine Ordinance.
2. Adopt a more updated Fire Code that includes a mobile food vendor section.
3. Develop a city business licensing that allows for better tracking of new occupancies.
4. Implement a self-inspection for low-risk occupancies that includes an education component.
5. Develop a process to train new fire inspectors and investigators.
6. Seek out college interns to help with long-term strategic planning goals.

The White Paper offers a description of these goals in much greater detail. To complete this White Paper, Fire Marshall O'Sullivan has spent several hours researching laws and best practices and conferring with other communities similar to Ketchikan. Fire Marshall O'Sullivan should be commended for her time and effort to bring current issues and solutions to those fire prevention issues to light.

Recommendation: The council supports the needed changes to ordinances and city codes to help make our community safer.

The State of Fire Prevention in Ketchikan



White Paper
By Gretchen O'Sullivan, Fire Marshall

1) Executive Summary

The State of Fire Prevention in the City of Ketchikan is evolving and expanding. There is a strong need to develop and implement changes that will provide a comprehensive fire safety plan. This document will offer an explanation and outline a long-range plan to improve drastically fire safety within our community.

2) The History

The Fire Prevention division is responsible for:

- Fire Prevention
- Fire Investigation
- Fire Inspections of all local businesses and commercial enterprises
- Responding to questions regarding interpretation of fire code
- Enforceing of fire code
- Completing follow-up inspections to ensure corrective action is completed when code violations are identified
- Reviewing current construction projects for compliance with applicable fire codes in both new construction and during change of occupancies
- Providing technical fire protection assistance to builders, contractors, developers and the general public upon their request
- Maintaining inspection files for all City inspected businesses and commercial enterprises
- Developing and presents educational programs in fire and life safety for schools, service groups, businesses and citizens
- Conducting annual Day Care Inspections
- Renewing and approving Alcohol and Marijuana license renewals

Prevention:

Due to COVID-19, we have not participated in public education in the classroom for two years. Due to staffing issues, on-duty personnel are sent to conduct public education if an emergency response does not interrupt the assignment. The Fire Marshall, however, coordinates these duties. This includes lesson plan development, fire safety material ordering, and the scheduling of prevention education.

Prior to COVID-19 we delivered over 120 hours of in person Public Education and Fire Prevention programs per year.

Investigations:

In 2017 a Fire Investigation Task Force was comprised of thirteen members from Ketchikan Fire Department, Ketchikan Police Department (KPD), North Tongass Volunteer Fire Department (NTVFD), and South Tongass Volunteer Fire Department (STVFD). Following a joint operating guideline, the investigators would rotate investigation assignments for any fire investigations conducted on the island. The number of investigators across the island has reduced significantly due to attrition. Currently, the Ketchikan Fire Department has five State of Alaska Certified Fire Investigators. NTVFD, STVFD and KPD do not currently have any Certified Fire Investigators. This places a strain on Ketchikan Fire Department when an investigation is needed.

Two fire investigators, at a minimum, are required to investigate the following fires:

- Fire death or serious fire injuries
- Of all working structure fires
- Fires for which Command on the scene cannot determine the cause
- Explosions and other energetic materials used
- Requested by City Police Department to respond to known arson fires
- Car, field, or dumpster fires that have an identified lead or suspect in custody
- Attempted arsons
- Juvenile Fire Setters

This is a service Ketchikan Fire Department provides island wide. It is the duty of the Fire Marshal that all investigators maintain current certifications and training and that new investigators continue to be trained to fill vacancies when they arise. Initial certification requires a two week training course at the National Fire Academy followed by a State of Alaska written exam.

Inspections:

In January of 2010, the City of Ketchikan worked with the State of Alaska and the State Fire Marshal's Office to secure deferment to the City of Ketchikan. Per a memo dated January 13, 2010- "Deferment from the State Fire Marshal's Office was said to provide the following benefits:

"This will provide for improved response to the public, contractors, developers, architects and engineers regarding plan review and permitting/inspection process within the City of Ketchikan's jurisdiction. Fees assessed for permitting, plan review, and inspection services will remain in Ketchikan being paid to the State of Alaska.

Staff believes that deferral will provide a more streamlined way of doing business for developers and contractors. This endeavor will reduce the steps these individuals encounter and provide a local and accessible presence for everyone in the business community."

At that point the City of Ketchikan Fire Department was required to implement a building fire safety inspection program that meets or exceeds the program conducted by the State Division of Fire Prevention.

Per Ketchikan Municipal Code:

18.12.015 Mandatory fire inspections and certificates of occupancy.

- (a) Fire inspections shall be mandatory in all required occupancies at regularly scheduled intervals;
- (b) Fire inspections shall occur prior to business operations commencing in:
 - (1) All occupancies that are relocating;

- (2) All occupancies closed for 120 consecutive days or greater; and
- (3) All new business or commercial occupancies;

(c) Certificate of compliance shall be required from the Ketchikan fire department for all occupancies.

One Fire Marshal staffs the Fire Marshal's Office. There are 920 occupancies entered into our inspection software. These occupancies are scheduled to be inspected bi-annually for fire and life safety. Of these 920 occupancies, there are approximately one hundred occupancies that are closed for 120 consecutive days or greater. These occupancies are required to be inspected annually before they can open, most of which open in April or May each year.

The occupancies are divided into four assignments: Fire Marshal, A-Shift, B-Shift, and C-Shift. Shift personnel is available to assist with inspections if time allows. We currently have 221 overdue inspections.

In addition to the occupancy inspections, the department must monitor annual compliance on all kitchen hood systems, fire alarm systems, fire extinguishers and fire sprinkler systems. Inspections of these systems have typically been done with the bi-annual inspection, so they are not being monitored annually. Some businesses were found to have fire suppression and fire alarms systems that had not been serviced in over four years. The inspection software was not being used to track these systems, so information regarding the number of systems that are active is limited. However, the estimation could be in the hundreds. There is no system currently in place to track or notify business owners annually that the system needs service, cleaning, or inspections other than the bi-annual inspections.

In 2020, the Ketchikan Gateway Borough began to issue Conditional Use Permits (CUP) for Mobile Food Vendors. The permitting process allows their operation on non-residential properties. Mobile Food Vendors operating within the public roads are not regulated by the Borough Zoning Code; however, they may be subject to the regulation of other agencies such as the Alaska Department of

Transportation and Public Facilities or the City of Ketchikan. Several food trucks have been issued permits, however, the City of Ketchikan was not involved in the permitting process. Several Mobile Food Vendors began operating in the City of Ketchikan with no city permits, fire code or fire safety requirements in place. The current adopted codes do not cover Mobile Food Vendors.

What compounds the difficulty in completing inspections is the lack of a process to notify the Ketchikan Fire Department when occupancies are relocating, close for 120 days or when new businesses or commercial occupancies open.

The Fire Marshal is currently responsible for enforcement of fire code, citizen complaints, following up on inspections, review of construction projects and construction inspections, plan review for fire and life safety, fire alarms and fire sprinklers.

There are many AirBnB's and other types of short term rentals operating in the City of Ketchikan. Many areas and municipalities have adopted new regulations for these short term rentals. An initial fire inspection identifying fire safety equipment and plans would increase safety and awareness to keep guests and travelers safe. They include:

- Working smoke alarms in every sleeping room, outside every sleeping area and on every level of the residence
- Portable fire extinguishers in the home and easy to reach
- Working carbon monoxide alarms outside each sleeping area
- A floorplan with all escape routes and exits and emergency contact information
- Everyone staying in the home knows two ways out
- All doors and windows that lead outside are able to be opened
- If smoking is allowed, a smoking area has been designated and is well away from the structure.
- All pathways are free and clear of tripping hazards
- Electrical outlets are free of multiple cords and adaptors

- The stovetop is clear.

4) Plan of Action

Several options exist to assist in improving the state of fire prevention in the City of Ketchikan.

1) The Compliance Engine by Brycer

The Compliance Engine is a simple, internet-based tool for code officials to track and drive code compliance, reduce false alarm activity and provide a safer community. Third party contractors who inspect, test and maintain fire protection systems submit their reports via Brycer's web portal directly to the Authority Having Jurisdiction. The service team at Brycer will also administer hard copy notifications, build a database and perform follow up calls to help increase testing and maintenance activity. The end result is a comprehensive and accurate aggregation of data around which buildings have what types of systems, when they were last tested, and if there are any open deficiencies that could jeopardize their successful deployment in the event of an incident.

This solution requires an ordinance change that will require third party contractors to submit reports electronically to Brycer. The program is free of charge to the City of Ketchikan. The fee is paid by the third party contractor on a per system basis.

2) Adopting 2021 International Fire Code

The State of Alaska Department of Public Safety-Fire and Life Safety proposes to adopt regulation changes in [Title 13 of the Alaska Administrative Code](#), dealing with building code standards, fire code standards, mechanical code standards, fuel gas code standards, non-structural plan review and fees, stop work orders, fire protection system permits, firework permits, standards of organization and services of a fire department, and oil & gas hydrocarbon processing facilities.

Currently the City of Ketchikan is using the same International Fire Code 2012 version that the State of Alaska is using. The proposed changes include updating the International Fire Code to the 2021 edition. It would be beneficial to the City of Ketchikan to update these IFC codes in tandem with the State of Alaska.

The 2021 edition of the IFC includes new and updated sections of code. It includes a chapter on Mobile Food Vendors and a chapter on Distilleries that are not included in the currently adopted 2012 IFC.

Additional permitting for Mobile Food Vendors

Mobile Food Vendors are not required under city ordinance or under International Fire Code 2012 to have any inspection or certification process for fire or life safety. They only require a conditional use permit issued by the Ketchikan Gateway Borough.

Some dangers involving Mobile Food Vendors include:

- Leaking flexible gas lines
- Propane leaks from stoves when the pilot light goes out
- Loose propane cylinders
- Generators leaking carbon monoxide into the vehicle triggering gas meter alarms
- Generator pans filled with oil and gas
- Generators too close to propane cylinders
- Grease in the venting system
- No hood suppression system
- Uninspected hoods and fire extinguisher

The City of Ketchikan can help save lives and property by the following steps:

- Require all Mobile Food Vendors to be inspected by the Fire Marshal's Office.
- Enforce inspections by creating an ordinance with safety requirements.

- Within the ordinance, the following safety requirements can be adopted:
 - Under the International Fire Codes any cooking that produces grease, latent vapors must have a hood suppression system.
 - Fryers must have a “K” extinguisher.
 - Vehicle must be required to have smoke detectors, carbon monoxide detectors, and propane leak detectors.
 - NFPA 96 states Mobile Food Vendors need signage to indicate where the propane is stored.
 - Require generator inspection checks to ensure generators are not over-loaded or leaking fluids.
 - Require signage to indicate where the generator and fuel are located.
 - Include a penalty section of the ordinance for Mobile Food Vendors who are not in compliance with the ordinance.
 - Once the ordinance has been passed by the local agency’s lawmakers, the fire department can then enforce the inspections of Mobile Food Vendors
 - If the township/city has regular Mobile Food Vendors, it makes it easier to conduct the inspections
 - Mobile food Vendor rallies or events should have a procedure adopted on how the mobile food vendor vehicles should be set up

In addition to updating the International Fire Codes to the 2021 version, requiring additional permitting for Mobile Food Vendors will allow the Fire Department to enforce code requirements for fire and life safety before they open for business.

AirBnB/Short Term Rentals:

Ordinances could be adopted to implement required fire safety inspections for short term rentals prior to the initial opening. Guidelines could be developed for the rental owner to ensure safety standards are followed. There are no current regulations for safety inspections in any short term residential rental properties. This would increase the need for trained Inspectors in the City of Ketchikan.

3) City of Ketchikan Business License

One of the solutions to monitoring new businesses, changes in occupancy and tracking of current business would be an annual business license issued by the City of Ketchikan. This would greatly improve our ability to maintain accurate records of business occupancies in the City of Ketchikan. It would also greatly improve our ability to efficiently communicate to the businesses when they are due for inspections and fire protection requirements before a business opens.

4) Self-Inspection Program For Low Risk Occupancies

A self-inspection program would allow occupancies that are identified as low risk such as professional offices, small retail shops and small personal service shops to conduct an inspection of their premises to check for various fire and life safety issues.

The Self-Inspection Program is designed for light hazard commercial occupancies that do not have a high occupant load or level of risk. Light hazard occupancies are locations where there is a low amount of combustible materials within the occupied space, including furnishings, decorations, and contents. This optional program alleviates the need for formal inspections by a fire inspector.

5) Professional Development

The Ketchikan Fire Department currently has four staff with over 20 years of service and six staff with over 15 years of service. There will be attrition in many upper level positions in the coming years, including the Fire Marshal's Office. It is imperative that training in fire investigation, code enforcement, fire inspection and fire and life safety plan review take place now. It takes several years for an investigator to gain enough experience to take the lead in a fire investigation due to the limited number of fires in Ketchikan. There will also be a need to have staff trained to do Fire Inspections, Public Education and Code enforcement.

6) Additional Assistance

Summer Interns interested in Fire Prevention and Public Safety

Developing a summer intern program for student interested in fire prevention, education and public safety could be explored. These students could be trained to assist with inspections, stations duties, smoke detector installations and other public education.

Volunteer Program for Public Education

Developing a volunteer program for fire safety education would engage community members specifically to assist with fire and safety education, not only for elementary school children in the schools, but at other events and community activites. The program could be expanded to include senor citizens, business members and many other venues.

We have made great strides in Fire Prevention in Ketchikan over the years, but there is much work to continue to make our community fire safe.

May 19, 2022

Award of Large Water System Operator of the Year – David Johnston, and George Fuller Award – John Kleinegger

Acting General Manager Simpson provided the Council with a memorandum from Assistant Water Division Manager Seth Brakke, that two of Ketchikan's Water Division employees have recently received top honors for their work from the Alaska Water and Wastewater Management Association. She reported David Johnston, Water Division Foreman, was named the recipient of the Large Water System Operator of the Year, and John Kleinegger, Water Division Manager, was named the recipient of the George Fuller Award for Distinguished Service in the Water Industry.

KPU Telecommunications Division – National First Place Awards for Local TV Programming

Acting General Manager Simpson provided the Council with a memorandum from KPU Sales, Market & Customer Service Division Manager Kim Simpson that KPUTV was awarded first place for Overall Excellence from Alliance for Community Media/Hometown Media awards for 2021. She expressed her appreciation to all employees of the Telecommunications and Sales, Marketing & Customer Service Division that were involved in the undertakings that resulted in KPU receiving such prestigious recognitions.

Notice of Retirement – Telecommunications Division Manager

Acting General Manager Simpson attached for Council review a memorandum from Telecommunications Division Manager Ed Cushing advising of his intent to retire effective August 22, 2022. She stated this will be a tremendous loss for the Telecommunications Division, Ketchikan Public Utilities and the community. She indicated he is an incredibly valued member of the City's leadership team and express her appreciation to Mr. Cushing for his years of service to Ketchikan Public Utilities. She wished him and his family all the best in their next adventures. She informed the General Manager's office will soon begin recruiting for the Telecommunications Division Manager position and will apprise the Council of these efforts.

CITY CLERK'S FILE – None

CITY ATTORNEY'S FILE – None

FUTURE AGENDA ITEMS

Councilmember Zenge asked why KPU doesn't oversee the information technology department since they handle many of those functions and if that can be worked out. She said there might be some savings by merging the two departments.

Councilmember Mahtani said a lot of old buildings, homes and apartments are catching fire, and would like to see the fire marshal's inspections of these old buildings and residences to see if they need to be brought up to code, or if they have been grandfathered in, have the grandfather clause removed.

Councilmember Kistler asked for a quarterly update on the number of opioid deaths in the community.