



REDONDO BEACH FIRE DEPARTMENT

## ANNUAL FIRE INSPECTION PROGRAM

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- The 2019 California Fire Code Section 103 establishes Redondo Beach Fire Department as the Authority Having Jurisdiction and the fire code official.
- RBFD as the acting AHJ requires the department to enforce and follow all requirements of Senate Bill 1205.
- Senate Bill 1205 requires specific buildings and/or structures within the City limits to be inspected annually.
- Senate Bill 1205 cites Health and Safety Code 13146.
- Health and Safety Code 13146 and its respective sections require inspections to be conducted on every building within in the City and report compliance to the AHJ (RBFD) on an annual basis.
- Health and Safety Code 13146.2 allows RBFD to collect a fee (fee sufficient to cover inspector and inspection costs.)

Below are the code references (see attached full codes for more clarification)

- **California Fire Code Section 103 Department of Fire Prevention**

**[A] 103.1 General.** The department of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

- **Senate Bill No. 1205 – Chapter 854**

SB 1205, Hill. Fire protection services: inspection: compliance reporting.

*Existing law requires the chief of any city or county fire department or district providing fire protection services and his or her authorized representatives to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing specified building standards, **not less than once each year**, as provided. Existing law requires every city or county fire department or district providing fire protection services that is required to enforce specified building standards to **annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standards, as provided.***

- **Health and Safety Code 13146.2**

States that Every city, county, or city and county fire department providing fire protection services required by Sections 13145 and 13146 to enforce standards adopted by the State Fire Marshal **shall annually inspect all structures for compliance with building standards and other regulations of the State Fire Marshal.**

- **Health and Safety Code 13146.3**

The chief of any city or county fire department or district providing fire protection services and his or her authorized representatives **shall inspect every building used as a public or private school within his or her jurisdiction**, for the purpose of enforcing regulations promulgated pursuant to Section 13143 , **not less than once each year**. The State Fire Marshal and his or her authorized representatives shall make these inspections not less than once each year in areas outside of corporate cities and districts providing fire protection services.

- **Health and Safety Code 13146.4**

(a) **Every city or county fire department, city and county fire department, or district required to perform an annual inspection pursuant to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3.**

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**Redondo Beach Fire Department**

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## Section 103 Department of Fire Prevention

### **[A] 103.1 General**

The department of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

### **[A] 103.2 Appointment**

The fire code official shall be appointed by the chief appointing authority of the jurisdiction; and the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

### **[A] 103.3 Deputies**

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees.

### **[A] 103.4 Liability**

The fire code official, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

#### **[A] 103.4.1 Legal Defense**

Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The fire code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

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## Senate Bill No. 1205

### CHAPTER 854

An act to add Section 13146.4 to the Health and Safety Code, relating to fire protection.

[ Approved by Governor September 27, 2018. Filed with Secretary of State September 27, 2018. ]

### LEGISLATIVE COUNSEL'S DIGEST

SB 1205, Hill. Fire protection services: inspections: compliance reporting.

Existing law requires the chief of any city or county fire department or district providing fire protection services and his or her authorized representatives to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing specified building standards, not less than once each year, as provided. Existing law requires every city or county fire department or district providing fire protection services that is required to enforce specified building standards to annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standards, as provided.

This bill would require every city or county fire department, city and county fire department, or district required to perform the above-described inspections to report annually to its administering authority, as defined, on the department's or district's compliance with the above-described inspection requirements, as provided. The bill would require the administering authority to acknowledge receipt of the report in a resolution or a similar formal document. To the extent this bill would expand the responsibility of a local agency, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 13146.4 is added to the Health and Safety Code, to read:

**13146.4.** (a) Every city or county fire department, city and county fire department, or district required to perform an annual inspection pursuant to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3.

(b) The report made pursuant to subdivision (a) shall occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.

(c) The administering authority shall acknowledge receipt of the report made pursuant to subdivision (a) in a resolution or a similar formal document.

(d) For purposes of this section, "administering authority" means a city council, county board of supervisors, or district board, as the case may be.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.


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## HEALTH AND SAFETY CODE - HSC

**DIVISION 12. FIRES AND FIRE PROTECTION [13000 - 14959]** ( *Division 12 enacted by Stats. 1939, Ch. 60.*  )

**PART 2. FIRE PROTECTION [13100 - 13263]** ( *Part 2 enacted by Stats. 1939, Ch. 60.*  )

**CHAPTER 1. State Fire Marshal [13100 - 13159.10]** ( *Chapter 1 enacted by Stats. 1939, Ch. 60.*  )

**ARTICLE 2. The State Board of Fire Services [13140 - 13147]** ( *Heading of Article 2 amended by Stats. 1973, Ch. 1197.*  )

**13146.2.** (a) Every city, county, or city and county fire department or district providing fire protection services required by Sections 13145 and 13146 to enforce building standards adopted by the State Fire Marshal and other regulations of the State Fire Marshal shall, annually, inspect all structures subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal.

(b) A city, county, or city and county fire department or district providing fire protection services that inspects a structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county, or city and county fire department or district providing fire protection services, sufficient to pay the costs of that inspection.

(c) A city, county, or city and county fire department or district providing fire protection services that provides related fire and life safety activities for structures subject to subdivision (b) of Section 17921, such as plan review, construction consulting, fire watch, and investigation, may charge and collect a fee from the owner of the structure in an amount, as determined by the city, county, city and county, or district, sufficient to pay the costs of those related fire and life safety activities.

(d) The State Fire Marshal, or the State Fire Marshal's authorized representative, who inspects a structure subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal, may charge and collect a fee for the inspection from the owner of the structure. The State Fire Marshal may also charge and collect a fee from the owner of the structure for related fire and life safety activities, such as plan review, construction consulting, fire watch, and investigation. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

(Amended by Stats. 2019, Ch. 31, Sec. 9. (SB 85) Effective June 27, 2019.)


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## HEALTH AND SAFETY CODE - HSC

**DIVISION 12. FIRES AND FIRE PROTECTION [13000 - 14959]** (*Division 12 enacted by Stats. 1939, Ch. 60.* )

**PART 2. FIRE PROTECTION [13100 - 13263]** (*Part 2 enacted by Stats. 1939, Ch. 60.* )

**CHAPTER 1. State Fire Marshal [13100 - 13159.10]** (*Chapter 1 enacted by Stats. 1939, Ch. 60.* )

**ARTICLE 2. The State Board of Fire Services [13140 - 13147]** (*Heading of Article 2 amended by Stats. 1973, Ch. 1197.* )

**13146.3.** (a) A city, county, or city and county fire department or district providing fire protection services shall inspect every building used as a public or private school within its jurisdiction, for the purpose of enforcing regulations promulgated pursuant to Section 13143, not less than once each year. The State Fire Marshal and the State Fire Marshal's authorized representatives shall make these inspections not less than once each year in areas outside of corporate cities and districts providing fire protection services.

(b) A city, county, or city and county fire department or district that, or the State Fire Marshal or the State Fire Marshal's authorized representative who, inspects a structure pursuant to subdivision (a) may charge and collect a fee for the inspection in an amount sufficient to pay the costs of that inspection.

(Amended by Stats. 2019, Ch. 31, Sec. 10. (SB 85) Effective June 27, 2019.)


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## HEALTH AND SAFETY CODE - HSC

**DIVISION 12. FIRES AND FIRE PROTECTION [13000 - 14959]** *( Division 12 enacted by Stats. 1939, Ch. 60. )*

**PART 2. FIRE PROTECTION [13100 - 13263]** *( Part 2 enacted by Stats. 1939, Ch. 60. )*

**CHAPTER 1. State Fire Marshal [13100 - 13159.10]** *( Chapter 1 enacted by Stats. 1939, Ch. 60. )*

**ARTICLE 2. The State Board of Fire Services [13140 - 13147]** *( Heading of Article 2 amended by Stats. 1973, Ch. 1197. )*

**13146.4.** (a) Every city or county fire department, city and county fire department, or district required to perform an annual inspection pursuant to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3.

(b) The report made pursuant to subdivision (a) shall occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.

(c) The administering authority shall acknowledge receipt of the report made pursuant to subdivision (a) in a resolution or a similar formal document.

(d) For purposes of this section, "administering authority" means a city council, county board of supervisors, or district board, as the case may be.

*(Added by Stats. 2018, Ch. 854, Sec. 1. (SB 1205) Effective January 1, 2019.)*