

West's Ann.Cal.Health & Safety Code § 13869.7

Effective: [See Text Amendments]

West's Annotated California Codes Currentness

Health and Safety Code (Refs & Annos)

Division 12. **Fires and Fire Protection**(Refs & Annos)

Part 2.7. Fire Protection District Law of 1987(Refs & Annos)

Chapter 5. General Powers and Duties (Refs & Annos)

→ § 13869.7. **Building standards; fire and panic safety; local ordinances; fire sprinkler systems; exemptions; enforcement**

(a) Any **fire protection district** organized pursuant to Part 2.7 (commencing with Section 13800) of Division 12 may **adopt building standards** relating to **fire** and panic safety that are more **stringent** than those **building standards adopted** by the State **Fire Marshal** and contained in the California **Building Standards Code**. For these purposes, the **district board** shall be deemed a legislative body and the **district** shall be deemed a local agency. Any changes or modifications that are more **stringent** than the requirements published in the California **Building Standards Code** relating to **fire** and panic safety shall be subject to subdivision (b) of Section 18941.5.

(b) Any **fire protection district** that proposes to **adopt** an ordinance pursuant to this section shall, not less than 30 days prior to noticing a proposed ordinance for public hearing, provide a copy of that ordinance, together with the **adopted findings** made pursuant to subdivision (a), to the city, county, or city and county where the ordinance will apply. The city, county, or city and county, may provide the **district** with written comments, which shall become part of the **fire protection district's** public hearing record.

(c) The **fire protection district** shall transmit the **adopted ordinance** to the city, county, or city and county where the ordinance will apply. The legislative body of the city, county, or city and county, may ratify, modify, or deny an **adopted ordinance** and transmit its determination to the **district** within 15 days of the determination. Any modification or denial of an **adopted ordinance** shall include a written statement describing the reasons for any modifications or denial. No ordinance **adopted** by the **district** shall be effective until ratification by the city, county, or city and county where the ordinance will apply. Upon ratification of an **adopted ordinance**, the city, county, or city and county, shall file a copy of the findings of the **district**, and any findings of the city, county, or city and county, together with the **adopted ordinance** expressly marked and identified to which each finding refers, with the Department of Housing and Community Development.

(d) Nothing in this section shall authorize a **district** to mandate, nor prohibit a **district** from mandating, the installation of residential **fire sprinkler systems** within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.

(e) Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.

(f) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units.

(g) This section shall not apply to **fire and panic safety requirements** for the public schools **adopted** by the State

West's Ann.Cal.Health & Safety Code § 13869.7

Fire Marshal pursuant to Section 13143.

(h)(1) A city, county, or city and county that ratifies an ordinance relating to **fire** and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:

(A) The chief of the **fire protection district** that **adopted** the ordinance, or his or her authorized representative.

(B) The chief **building** official of the city, county, or city and county, or his or her authorized representative.

(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

CREDIT(S)

(Added by Stats.1990, c. 1111 (A.B.2666), § 5. Amended by Stats.1992, c. 661 (A.B.3206), § 3; Stats.1993, c. 906 (A.B.557), § 13, eff. Oct. 8, 1993, operative Jan. 1, 1994.)

HISTORICAL AND STATUTORY NOTES

2006 Main Volume

Section 1 of Stats.1993, c. 906 (A.B.557), provides:

"This act shall be known and may be cited as the Omnibus Local Government Act of 1993."

Severability of provisions of Stats.1993, c. 906 (A.B.557), see Historical and Statutory Notes under Government Code § 17558.5.

Another § 13869.7, as added by Stats.1990, c. 1083 (S.B.1830), § 5, containing substantially the same language, was repealed by Stats.1991, c. 1091 (A.B.1487), § 98, leaving § 13869.7, as added by Stats.1990, c. 1111 (A.B.2666), § 5, in full force and effect.

West's Ann. Cal. Health & Safety Code § 13869.7, CA HLTH & S § 13869.7

Current through Ch. 750 of 2007 Reg.Sess. urgency legislation

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