

CITY OF YUBA CITY
STAFF REPORT

Date: August 18, 2020
To: Honorable Mayor & Members of the City Council
From: Fire Department
Presentation By: Jesse M. Frias, Fire Marshal

Summary

Subject: California Senate Bill 1205 Compliance Report for State-Mandated Annual Fire Inspections

Recommendation: Adopt a Resolution acknowledging receipt of the Yuba City Fire Department's annual inspections report and recognizing the Department's level of compliance with California Health and Safety Code Sections 13146.2, 13146.3, and 13146.4.

Fiscal Impact: None

Purpose:

Provide a review of the Fire Department's efforts to meet its mandated annual Educational and Residential inspection obligations.

Background:

California Senate Bill 1205 (SB 1205) was signed into law on September 27, 2018, after the tragic Ghost Ship Fire in December 2016 brought national attention to California and put a spotlight on fire safety laws as well as the performance of fire inspections. This law amends preceding law such that an annual report on state mandated inspections is now required to be submitted to the governing body of each jurisdiction having authority for inspections. The law also requires the report to be delivered when the City Council discusses its annual budget or at another time determined by the City Council. City Council shall acknowledge receipt of the report made in a resolution or a similar formal document.

State mandated inspections were enacted by California Health & Safety Code Sections 13146.2 and 13146.3 and requires all fire departments that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities for compliance with building standards. California Health & Safety Code Section 13146.4 requires all fire departments that provide fire protection services to report annually to its administering authority on its compliance with sections 13146.2 & 13146.3

Although there are no penalties identified in the law, adoption of this resolution will establish Yuba City's intent to fulfill the requirements of SB 1205 by acknowledging the Fire Department's compliance with California Health and Safety Code Sections 13146.2 and 13146.3, which

identifies the state mandated inspections.

Analysis:

Annually, the Fire Department is required to conduct inspections of all public and private schools, hotels, motels, lodging houses, and apartment/condominium buildings, in accordance with California Health and Safety Code Section 13146.2 and 13146.3. The purpose of annual fire inspections is to mitigate known hazards, reduce risk to the community, and ensure reasonable compliance with the California Fire Code. The Fire Department has completed its initial annual inspection of all mandated buildings that are included within the mandate for fiscal year 2019-2020.

California Health and Safety Code Section 13146.2 mandates that the local fire department inspect all hotels, motels, and lodging houses once annually. The Fire Department has inspected (10) hotels/motels, which includes an additional (5) buildings associated with these facilities.

California Health and Safety Code Section 13146.2 also mandates that the local fire department inspect all apartment buildings. The California Building Code also specifies that condominiums should be considered apartments for building code application. An apartment shall consist of three or more attached units, and excludes all duplex style buildings. The Fire Department has inspected (295) apartment complexes, which includes an additional (75) buildings associated with these facilities.

California Health and Safety Code Section 13146.3 mandates that the local Fire Department inspect all public, private and commercial day care schools once annually. The Fire Department has inspected (45) school facilities that total (244) buildings within these facilities.

In total, the Fire Department has conducted (350) mandated annual inspections during the 2019-2020 fiscal year, and has completed initial inspections of all known buildings and structures required to be inspected within the California Health and Safety Code mandate. Furthermore, the acceptance of this compliance report and the recommended resolution fulfill the statutory requirements contained in California Health and Safety Code Section 13146.2, 13146.3, and 13146.4, as amended by SB 1205.

Fiscal Impact:

None

Alternatives:

- 1) Do not adopt the resolution.
- 2) Provide further direction to staff.

Recommendation:

Adopt a resolution acknowledging receipt of the Yuba City Fire Department's annual inspections report and recognizing the Department's level of compliance with California Health and Safety Code Sections 13146.2, 13146.3 and 13146.4.

Attachments:

1. Resolution
2. Senate Bill 1205
3. Health & Safety Code Section 13146.4

Prepared By:

/s/ Jesse M. Frias

Jesse M. Frias
Fire Marshal

Reviewed By:

Department Head
Finance
City Attorney

Submitted By:

/s/ Diana Langley

Diana Langley
Interim City Manager

JA

SM

SLC by email

ATTACHMENT 1

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
ACKNOWLEDGING THE YUBA CITY FIRE DEPARTMENT'S COMPLIANCE WITH
SECTIONS 13146.2, 13146.3, and 13146.4 OF THE CALIFORNIA HEALTH AND SAFETY
CODE**

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF YUBA CITY AS FOLLOWS:

WHEREAS, California Health and Safety Code Section 13146.4 requires all fire departments that provide fire protection services to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3; and

WHEREAS, California Health and Safety Code Sections 13146.2 and 13146.3 require all fire departments that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, and apartment house for compliance with building standards; and

WHEREAS, the City Council of Yuba City intends this Resolution to fulfill the requirements of the California Health and Safety Code regarding acknowledgment of the Yuba City Fire Department's compliance with California Health and Safety Code Sections 13146.2, 13146.3, and 13146.4.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yuba City expressly acknowledges the measure of compliance of the Yuba City Fire Department with the California Health and Safety Code Sections 13146.2, 13146.3, and 13146.4, and accepts the annual report from the Fire Department.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 18th day of August, 2020

AYES:

NOES:

ABSENT:

ATTEST:

Patricia Buckland, City Clerk

Shon Harris, Mayor

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT 2



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.

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.

ATTACHMENT 3

State of California

HEALTH AND SAFETY CODE

Section 13146.4

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.)