

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Review of Fire District Ordinances which contain Requirements that Exceed those of the State Fire Marshal

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Purpose

To establish the Board of Supervisors' Policy concerning review of fire district ordinances when these ordinances contain requirements that exceed the building standards set by the State Fire Marshal.

Background

State law (Health & Safety Code Section 13869.7) requires that when a fire protection district adopts an ordinance related to building standards for fire and panic safety which are more stringent than those adopted by the State Fire Marshal, that this ordinance shall not be effective until ratified by the city or county where the ordinance applies.

State law further states that any fire protection district that proposes to adopt an ordinance which includes building standards relating to fire and panic safety that are more stringent than those adopted by the State Fire Marshal shall make an express finding that the ordinance is reasonably necessary because of local climatic, geological, or topographical conditions. The proposed ordinance, along with these findings, shall be forwarded to the city or county where the ordinance applies not less than 30 days prior to noticing a proposed ordinance for public hearing. The city or county may then provide the district with written comments, which shall become part of the fire protection districts public hearing record.

Once adopted, the fire protection district is required to forward the adopted ordinance to the city or county where the ordinance applies. The legislative body of that city or county may then 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.

Upon ratification of an adopted ordinance, the city or county shall file a copy of the adopted ordinance along with the findings of the district, and any findings of the city or county, with the Department of Housing and Community Development.

Policy

It is the policy of the Board of Supervisors that:

1. The Fire Warden of the San Diego County Regional Fire Authority shall have the administrative authority and responsibility for developing and implementing all processes

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and procedures necessary to assure timely and efficient review of fire district ordinances by the Board of Supervisors as required by law.

2. The Fire Warden of the San Diego County Regional Fire Authority shall, in developing these processes and procedures, provide affected fire districts with reasonable opportunity for review and comment.

3. The Fire Warden of the San Diego County Regional Fire Authority shall, in developing these processes and procedures, consider the most efficient and cost effective manner in which to present these ordinances to the Board of Supervisors for review. Such consideration may include provisions for presenting to the Board of Supervisors a single agenda item which includes all district ordinances submitted for ratification in a specified time interval.

4. The Fire Warden of the San Diego County Regional Fire Authority shall, in developing these processes and procedures, establish criteria against which all fire district ordinances shall be reviewed. These criteria shall include, but are not limited to:

a. Was the Public Hearing for the Ordinance properly noticed as required by law?

b. Was the Ordinance reviewed by the district's Counsel?

c. Are there district findings regarding local conditions which necessitate more stringent requirements, and are these findings reasonable and valid?

d. Does the district have the legal authority to require all proposed building standards more stringent than those adopted by the State Fire Marshal?

5. Based on the above criteria, the Fire Warden of the San Diego County Regional Fire Authority shall be responsible for drafting a Board Letter which:

a. Makes a recommendation to the Board regarding ratification, modification, or denial,

b. Provides documentation as needed to support the recommendation, and

c. Evaluated whether the more stringent requirements in the district ordinance should be considered for inclusion in the County Fire Code, and /or other fire district ordinances.

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Sunset Date

12-31-2018

Board Action

11-7-95 (56)

10/20/2001 (1)

08-07-02 (5)

09-14-2011 (9)