



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R09-0052
FEB 10 2009

REPORT RE:

DRAFT ORDINANCE AMENDING SECTIONS 57.33.19 AND 57.02.02 OF THE LOS ANGELES MUNICIPAL CODE TO PROVIDE ADDITIONAL EMERGENCY AND EVACUATION REQUIREMENTS FOR HIGH-RISE BUILDINGS AND TO ADD APPLICABLE DEFINITIONS

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

This office has prepared and now transmits for your action the enclosed draft ordinance, approved as to form and legality. The draft ordinance would revise the provisions of the Los Angeles Municipal Code (LAMC) to improve the training, tracking and effectiveness of high-rise building evacuation procedures by requiring that designated personnel in high rise buildings be trained and tested and obtain a valid certificate. The draft ordinance would also add definitions to the applicable General Definition section of the Code.

Background & Summary of Ordinance Provisions

In response to the Los Angeles City Council's instruction that the Los Angeles Fire Department make recommendations to ensure the safety of the City's high-rise occupants during emergency evacuations, Fire Department staff proposed, and the Board of Fire Commissioners approved, the enclosed draft ordinance amendment.

Since the events of 9/11, an increased emphasis has been placed on the life/safety procedures in the evacuation of high-rise buildings. The draft ordinance would improve on the existing emergency planning and evacuations procedures by requiring

designated personnel to be trained and to have valid certificates. Additionally, the draft ordinance would require high-rise buildings 35 stories or more in height to conduct total building evacuations once every three years, under the oversight of the Los Angeles Fire Department.

In addition, the draft ordinance would amend Section 57.02.02 of the LAMC to add applicable definitions to the General Definitions section of the Code.

Fee Notice Requirement

We note that, because this ordinance would impose a new fee, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of State Law require that prior to adoption of a new or increased fee a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and second publications, not counting the dates of publication.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Fire Department and the City Administrative Office with a request that any comments be transmitted directly to Council.

Should you have any questions about this matter, please contact Deputy City Attorney Janet Jackson at (213) 978-8386. She or another member of this office will be available to answer any questions you may have when you consider this matter.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:JJ:aa
Transmittal

ORDINANCE NO. _____

An ordinance amending Sections 57.33.19 and 57.02.02 of the Los Angeles Municipal Code to provide for additional emergency and evacuation requirements for high-rise buildings, and providing for new related fees.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 57.33.19 of the Los Angeles Municipal Code is amended in it's entirety to read:

Sec. 57.33.19. EMERGENCY PLANNING AND EVACUATION REQUIREMENTS FOR HIGH-RISE BUILDINGS.

A. Creation and Filing of Emergency Plan. Every owner, manager, operator, administrator, and tenant of a new or existing high-rise building shall, in cooperation with the Fire Department, establish, implement, maintain and update an Emergency Plan for the building that complies with, but is not necessarily limited to, the following:

1. The owner shall electronically submit the Emergency Plan annually to the Fire Department and maintain a current hard copy on the premises. Prior to each annual submittal, the owner shall also review the Emergency Plan and as a result of that review shall update the Emergency Plan as necessary to ensure that it is accurate and complete. All Emergency Plan transactions shall be electronically submitted by means of a Fire Department approved method. The updated Emergency Plan shall be submitted to the Fire Department within ten days of its completion. If the owner determines after an annual review, that the Emergency Plan does not require updating, the owner shall so inform the Fire Department in writing as soon as that determination is made. This requirement does not preclude an owner from reviewing and updating the Emergency Plan more frequently than annually.
2. Any changes to the lists of Private First Responders, Essential Building Personnel, or emergency contact telephone numbers shall be submitted to the Fire Department within ten days of the date of the change.
3. The Emergency Plan shall be made available upon request to personnel of the Fire Department. Upon any change of ownership or management of a high-rise building, the previous owner shall provide all copies of the Emergency Plan required by this chapter to the new owners within ten days of the change of ownership. The new owner shall, after receiving the Emergency Plan submit any required updates within ten days.

4. **Hotel Exemption.** Hotels are exempt from the requirements set forth in this Section, except that building staff and employees shall participate in the fire drills required in this Section.

B. Fire Department Approval Required. All Emergency Plans, procedures and evacuation signs shall be completed and submitted to the Fire Department for inspection and approval prior to their implementation. All plans, signs, procedures and training programs formulated by, or purchased from, a "High-Rise Life/Safety Service" shall also be submitted for approval. All persons engaging in the business of "High-Rise Life/Safety Service" shall be required to obtain a Certificate of Fitness in accordance with Division 6 of this Article. The Fire Department may deny approval of any "High-Rise Life/Safety Service" which fails to meet minimum standards set by the Fire Chief.

C. Building Inventory Form. A Building Inventory on a form provided by the Fire Department shall be completed and submitted as part of the Emergency Plan and be subject to approval by the Fire Department.

D. Required Designated Personnel. Each Emergency Plan shall include the following required designated personnel:

- 1. Fire Safety Director.** The Fire Safety Director and Assistant Fire Safety Director shall be employees of the building owner or manager or reside on the premises or be otherwise approved by the Fire Department.

- a. The Fire Safety Director shall be responsible for the establishment, implementation and maintenance of the Emergency Plan, the annual emergency evacuation drills, training and all documentation required by the Emergency Plan.
- b. The Fire Safety Director shall also verify that all security personnel have a valid State certification. The Fire Safety Director and the Assistant Fire Safety Director shall obtain and maintain a valid Fire Safety Director Certificate approved by the Fire Department, and shall present their certificate for inspection upon request to Fire Department personnel.
- c. The Fire Safety Director shall be responsible for renewing their Certificate at least once a year in order to maintain a valid certificate. The Assistant Fire Safety Director shall be prepared to assume the Fire Safety Director's duties when necessary.
- d. The building owner shall be responsible for payment of the fees associated with the issuance of the Fire Safety Director Certificate by the Fire Department as described in Section 57.33.19 I.1.a.

- 2. Floor Wardens.** A minimum of one Floor Warden per floor shall be designated to perform the duties required by this Section. Additional Floor Wardens shall be required if the occupant load of a floor exceeds 500 people. The Floor Warden shall obtain and maintain a valid Floor Warden Certificate, approved by the Fire Department, and shall present their certificate for inspection upon request by Fire

Department personnel. Alternate Floor Wardens shall also obtain a certificate as Floor Warden and be designated for each floor, and be prepared to assume the Floor Warden duties when necessary. In a residential building, the Floor Warden shall be a resident on that floor or an employee of that building owner or manager. In a non-residential building, the Floor Wardens shall be employees on that floor. The Floor Wardens shall receive training at least once each year in order to maintain a valid certificate. Exemptions to this regulation may be granted only upon a written request approved by the Fire Chief. The building owner shall be responsible for payment of the annual fee associated with the issuance of the required number of Floor Warden Certificates by the Fire Department.

3. Private First Responders. The operational portion of the Emergency Plan shall identify and incorporate all Private First Responders for the building.

4. Essential Building Personnel. The operational portion of the Emergency Plan shall also identify and incorporate all Essential Building Personnel who are employees of the owner or manager in the building.

E. Required Designated Personnel – On-Site Presence.

With regard to non-residential high-rise buildings, the Fire Safety Director or Assistant Fire Safety Director shall be present on-site during normal business hours.

F. Emergency Response Duties of Designated Personnel.

1. The designated personnel required by 57.33.19D shall have, at a minimum, the following duties:

a. The Fire Safety Director or Assistant Fire Safety Director shall:

- (1) During an emergency, call 911 or designate someone to place the call; report to the building's Emergency Assistance Center; direct, evacuation operations in the building including disabled personnel in the designated refuge or rescue locations who have identified the need for assistance; and report the current conditions to the Fire Department.
- (2) Conduct monthly building safety inspections to identify hazards and obstructions in the egress pathways.
- (3) Develop procedures for implementation of the Emergency Plan and direct emergency evacuations and drills.
- (4) Assign Wardens for each floor, selected from the occupants on that floor.
- (5) Incorporate Private First Responders for each occupied floor if identified by the Emergency Plan.

- b. Floor Wardens shall:
 - (1) Know the locations of all exits leading from occupied areas of the building and carry out the requirements in the Emergency Plan.
 - (2) Direct emergency evacuations and drills for their respective assigned floors in accordance with the Emergency Plan.
- c. Private First Responders shall:
 - (1) Know the location of all exits leading from occupied areas and carry out the requirements in the Emergency Plan.
 - (2) Assist the Floor Wardens in the emergency evacuations and drills in accordance to the Emergency Plan.
- d. Essential Building Personnel shall:
 - (1) Assist the Fire Safety Director during emergency evacuation operations in accordance with the Emergency Plan.
 - (2) Assist the Fire Department and other emergency responders during emergency operations as described in the Emergency Plan.

G. Emergency Plan - Minimum Requirements.

- 1. The following provisions of this section reflect minimum requirements and are not intended to restrict owners from implementing any additional measures:
 - a. Each Emergency Plan shall contain a description of the procedures all occupants should follow in an emergency evacuation or drill during the regular business hours and non-business hours of the building. Each Emergency Plan shall also have a procedure for total building evacuations.
 - b. Each Emergency Plan shall specify in detail the evacuation roles and duties of the designated personnel, including the names of the Fire Safety Director and Assistant Fire Safety Director, their pagers, in-house, and cellular telephone numbers.
 - c. Each Emergency Plan shall require that emergency evacuation signs be posted in elevator lobbies and adjacent to the doorway leading to the exit stairs. The signs shall include, but not be limited to, the high-rise building's core floor plan describing all corridors, stairways, elevator lobbies, and interior evacuation routes for each floor.

- d. The Fire Safety Director, with the approval of the Fire Department, shall establish as part of every Emergency Plan an Emergency Assistance Center where the Fire Safety Director or Assistant Fire Safety Director and other selected personnel report during an emergency incident. The Fire Safety Director shall also assign a responsible person to meet and direct the Fire Department to the location of the emergency incident. The Emergency Assistance Center may include a fire control room, lobby or safe refuge area outside of the building.
- e. Special Needs Requirements shall be incorporated in the Emergency Plan and shall include the current list of the names and usual floor locations of each occupant who has voluntarily, in writing, self-identified their need for assistance and the type of aid required to exit the building during an emergency. One or more places of refuge or rescue shall be designated in the Emergency Plan including a method to safely remove these occupants from the building. The Emergency Plan shall include the appropriate number of personnel designated to assist each of these occupants during an emergency evacuation or fire drill.
- f. Occupant Instruction and Training. All high-rise building occupants shall be instructed annually on the procedures to be followed in the event of fire, earthquake, or other emergency and participate in the mandatory fire drill. Documentation of the occupant instructions shall be maintained by the Fire Safety Director and be made available for inspection by Fire Department personnel. These instructions shall also be made available to all new occupants within 14 days of their assuming occupancy in the building.
- g. Emergency Evacuation Plans, Signs, and Procedures. The proposed emergency exit plans, procedures, and evacuation signs shall be posted after approval by the Fire Department. Evacuation signs shall be located in every elevator lobby above and below the ground floor, adjacent to the doorway leading to the exit stairs, and in other conspicuous floor locations as required by the Department. Each dwelling unit, guest room, and office area shall be provided with the fire safety and evacuation information, as required in Section 57.112.05. All plans, procedures, and signs shall be properly maintained.
- h. Each Emergency Plan, after approval by the Fire Department, shall be filed:
 - (1) In the office of the high-rise building;
 - (2) At the security desk; and
 - (3) In the vicinity of the Fire Department annunciator/control panel or, as to residential buildings, in an identifiable location approved by the Fire Chief. The Emergency Plan shall be made readily available to the building staff and to the designated personnel required by 57.33.19D at all times.

H. Fire Drills.

1. Commercial high-rise buildings, less than 35 stories in height, are required to conduct mandatory fire drills at least annually under the direction of the Fire Safety Director:
 - a. A mandatory minimum of one fire drill shall be conducted annually on individual floors and when practical, shall include at least five floors at a time.
 - b. During the annual fire drill the occupants shall proceed to the safest stairwell and relocate to a predetermined floor or outside safe refuge area.
2. Commercial high-rise buildings, 35 or more stories in height, are required to conduct a mandatory fire drill at least annually under the direction of the Fire Safety Director:
 - a. A mandatory minimum of one fire drill shall be conducted annually on individual floors, and when practical, shall include at least five floors at a time.
 - b. During the annual fire drill the occupants shall proceed to the safest stairwell and relocate to a predetermined floor or outside safe refuge area.
 - c. Every three years there shall be a total building evacuation fire drill, wherein every occupant of the building proceeds to the safest stairwell and evacuates directly to a predetermined outside safe refuge area.
3. Residential high-rise buildings are required to conduct mandatory fire drills at least annually under the direction of the Fire Safety Director:
 - a. A mandatory minimum of one fire drill shall be conducted annually on individual floors and when practical shall include at least five floors at a time.
 - b. During the annual fire drill the occupants shall proceed to the safest stairwell and relocate to a predetermined floor or outside safe refuge area.
4. Buildings that have stair shaft doors locked for security reasons shall include a method in the Emergency Plan that allows for safe horizontal egress from the stair shaft during a fire drill or emergency evacuation.
5. The Fire Safety Director of the building or their designee shall coordinate the date of the total building evacuation drill for buildings 35 or more stories in height with the Fire Department during normal working hours. A Fire Safety Officer shall be present to witness the total building evacuation drill.
6. The Fire Safety Director shall maintain documentation of all fire drills on Fire Department approved forms and make it available for inspection by the

Department. Fire drills may be scheduled in advance, with a notice posted to all tenants. All building occupants shall participate in the fire drills and emergency evacuations.

I. Fees.

1. The building owner shall be responsible for the following fees:

- a. **Fire Safety Director Certificate Fee.** The owner of the building shall be responsible for paying the fee based on one Fire Safety Director Certificate Fee per building.
- b. **Floor Warden Certificate Fee.** The owner of the building shall be responsible for paying the fees based on one Floor Warden Certificate Fee per floor.
- c. **Total Building Evacuation Oversight Fee.** The owner of the building shall be responsible for paying the Total Building Evacuation Oversight Fee.

J. Due Dates.

1. **Initial Payment.** The permit fee shall initially be due, and shall accompany the filing of an initial permit application, on the 1st of January following the date of construction, as that term is defined in Section 57.119.05. For buildings constructed prior to the effective date of these provisions, the initial payment shall be due on the 1st of January following that effective date.

2. **Annual Renewal.** Annual Renewal of certificates and payment of fees for renewal of those existing certificates shall be due and payable each year on the first day of January of the calendar year and shall be submitted with the renewal application.

3. **Total Building Evacuation Payment.** The Total Building Evacuation Oversight Fee shall be due and payable each year on the first day of January of the calendar year and shall be submitted with the renewal application.

4. **Delinquency.** Fees, whether initial or renewal, which are not paid within 60 days after the due date shall be deemed delinquent and subject to a 50% penalty.

K. Computation.

Manner of Determining Cost. The Board, with the concurrence of the Office of the City Administrative Officer, shall determine on a regular basis, not less frequently than once every two years, the verifiable cost to the City for the certificate fees and the fees for the evacuation oversight for high-rise buildings. These costs shall be the actual costs incurred as determined by the Board. The costs shall include both direct and indirect costs to the City. The Board shall use these costs to develop a cost recovery schedule of applicable charges. The Board shall adopt such costs as fees at

any time during each fiscal year. The cost recovery schedule shall recover the verifiable annual costs of administering the certificates for Fire Safety Directors and Floor Wardens, as well as the administration of the total evacuation oversight for high-rise buildings, which shall include the cost of collection of any fees due and owing in connection with these fees. It shall take into consideration the number of certificates issued that are subject to the fees. Upon adoption of a schedule of verifiable costs by the Board, as provided herein, the Board shall transmit the Board order to the Mayor and to the City Council for approval.

L. Manner of Assessing Fees. The cost recovery schedule adopted herein shall impose a charge per certificate and set forth the applicable charges for total evacuation oversight.

M. Violations.

1. Each person, owner, manager, tenant, or other responsible party shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Section is committed, continued or permitted by that person, and shall be punishable as provided in the Fire Code and as set forth below.
2. In addition, any condition caused or permitted to exist in violation of any of the provisions of this Section shall be deemed a public nuisance and may be summarily abated as such by the City. Each day that such a condition continues shall be deemed to be a new and separate offense.
3. Violation of the provisions of this Section, including refusal to participate in a mandatory fire drill required by this Section, shall be a violation of this Section punishable by at least a mandatory minimum fine of \$100, up to and not to exceed \$1,000, or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment.

Sec. 2. Section 57.02.02 of the Los Angeles Municipal Code is Amended to add the following definitions in proper alphabetical order:

Sec. 57.02.02 GENERAL DEFINITIONS.

Alternate Floor Warden – A responsible person, holding a valid Floor Warden Certificate, designated on each floor of every high-rise building, prepared to assume the Floor Warden’s duties when necessary.

Assistant Fire Safety Director – A responsible person, who is an employee of the building owner or manager or a resident designated by the building owner, holding a valid Fire Safety Director Certificate, prepared to assume the Fire Safety Director’s duties when necessary.

Building Inventory Form – A form, provided by the Fire Department and completed by the Fire Safety Director, that contains information about a building’s features, contents, systems, or any other pertinent facts that could be used by emergency responders in mitigating an emergency incident in the building.

Emergency Assistance Center - A location (Fire Control Room, Main Lobby, or a similar location) designated by the Fire Safety Director or Assistant Fire Safety Director where they and other selected personnel report during an emergency incident to manage the emergency evacuation or fire drill.

Essential Building Personnel – Personnel employed by the building who possess special knowledge of the building and its systems such as, but not limited to:

- Building Manager
- Building Engineer
- Security Personnel

Fire Safety Director – An employee of the owner or manager or resident of the building and designated as the Fire Safety Director by the owner, administrator, or manager of a high-rise building, health care facility, institution or other occupancy. The Fire Safety Director must have a valid Fire Safety Director Certificate and be responsible for the establishment, implementation, and maintenance of a Department approved Emergency Plan for that occupancy, and provide training in the use of first aid, fire equipment and building evacuation procedures which are approved by the Fire Chief.

Fire Safety Director Certificate - A written document approved by the Fire Chief authorizing an employee/resident of a high rise building, health care facility or institution, to be the Fire Safety Director. The Certificate is site specific and shall only apply to that high-rise building, health care facility, institution or other occupancy.

Floor Warden – A responsible person, holding a valid Floor Warden Certificate, designated on each floor of every high-rise building, and charged with the responsibility of overseeing and ensuring the safe and complete evacuation or relocation of occupants during an emergency or fire drill.

Floor Warden Certificate – A written document approved by the Fire Chief authorizing an employee/resident of a high-rise building to be the Floor Warden. The Certificate is site specific and shall only apply to that high-rise building.

Normal working hours - The hours between 8:00 a.m. and 5:00 p.m. of any day except Saturdays, Sundays, and legal holidays.

Private First Responder – Personnel incorporated into the Emergency Plan, trained to handle an emergency incident by providing direction and assistance prior to the arrival of emergency responders. All Private First Responders must be approved by the Fire Department. EXCEPTION: Paramedics and Emergency Medical Technicians are

approved by the California Emergency Medical Services Authority. Private First Responders include, but are not limited to:

- Fire Safety Director
- Floor Warden
- Paramedic
- Emergency Medical Technician (EMT)
- Civilian Emergency Response Team (CERT)

Total Building Evacuation – Evacuation of all of the occupants of a building and portions thereof during a single event to a predetermined outside safe refuge area.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

KAREN E. KALFAYAN, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By *Janet Jackson*
JANET JACKSON
Deputy City Attorney

Date 1/29/09

File No. _____