



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 4 - 0 3 0 1
JUL 1 6 2014

REPORT RE:

**DRAFT ORDINANCE ADDING SECTION 57.105.10 TO ARTICLE 7
OF CHAPTER V OF THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH
FEES FOR THE INSPECTION OF INDUSTRIAL AND COMMERCIAL BUILDINGS;
AND AMENDING SECTION 57.105.1.2 TO ADD
INDUSTRIAL COMMERCIAL PERMIT**

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

Council File No. 12-1584

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance would add Section 57.105.10 to Article 7 of Chapter V of the Los Angeles Municipal Code (LAMC) to establish fees to cover the Fire Department's cost for the inspection of industrial and commercial buildings.

Background and Summary of Ordinance Provisions

The City Council requested that the City Attorney draft an ordinance to revise the LAMC to establish a new fire life safety inspection permit fee for industrial and commercial buildings. According to the Fire Department's report dated August 21, 2012, and approved by the Board of Fire Commissioners on October 2, 2012, the Fire Department seeks to recover actual costs for services related to the inspection of

industrial and commercial buildings consistent with the City's financial policies for full cost recovery.

The Fire Department's Industrial and Commercial Unit of the Fire Prevention Bureau inspects approximately 9,000 industrial and commercial buildings on a 12-month cycle for Fire Code and life safety compliance. Inspectors in the Industrial and Commercial Unit inspect fire and life safety systems in industrial and commercial buildings to ensure that the systems are safe and fully operable and have been tested at prescribed intervals. The buildings subject to inspection by the Industrial and Commercial Unit are those four stories or more in height, or those under 75 feet in height with a total floor area of at least 40,000 square feet.

This proposed ordinance establishes a permit process for industrial and commercial building inspections and annual inspection permit fee with a base inspection fee tied to the Inspector's hourly rate to ensure full cost recovery. The Fire Department estimates that charging for industrial and commercial building inspections will generate \$3.9 million in annual fees.

Fee Notice Requirement

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 the 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 Officer with a request that all comments, if any, be presented directly to the City Council when this matter is heard.

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

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:JJ:aa
Transmittal