



FRESNO COUNTY FIRE

PROTECTION DISTRICT

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Attachment A

PROTECTION & PLANNING APPEAL PROCESS

Fresno County Fire Protection District (FCFPD) utilizes the California Fire Code as the regulatory document for Fire Protection and Planning standards. FCFPD will utilize the following process in the event an applicant does not agree with the interpretation of the Fire Code or its application. The appeal process may only be used by an applicant that has current plans under review by FCFPD and must provide an alternative method to be used for the appeal to be reviewed. The alternative method must meet the intent of the Fire Code and be equivalent to or stricter than the standard required by the Fire Code. The following code sections identify the process and potential allowances for the Fire Chief and applicant for the appeal process.

STATUTE CALIFORNIA FIRE CODE:

Section 104.8 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life, and fire safety requirements.

103.1.4.2 (For State Fire Marshal) Appeals. When a request for an alternate means of protections has been denied by the enforcing agency, the applicant may file a written appeal to the State Fire Marshal for consideration of the applicant's proposal. In considering such appeal, the State Fire Marshal may seek the advice of the State Board of Fire Services, to determine if the proposal is for the purpose intended, at least equivalent to that specified in these regulations in quality, strength, effectiveness, fire resistance, durability, and safety and shall transmit such finding and any recommendations to the applicant and the enforcing agency.

FIRE DEPARTMENT PROCESS:

The FCFPD must be provided a set of written plans in the office located at 210 S. Academy, Sanger, California, to review and provide comment prior to any appeal. These plans will have all details of the site, underground, sprinklers with associated plumbing, alarms, fire pump, fire safe construction and required water storage. The plans will possess the exact construction location, contact phone numbers, and drawings of a certified civil engineer, if applicable, for a fire protection system.

These plans will be reviewed by technical specialists for standards of the California Fire Code, Fresno County Ordinance 15.60 (for State Responsibility Fire Safe Regulations and all associated standards). A decision will be rendered in writing to provide total plans check comments and requirements.

APPEAL:

Whenever the applicant, or any agency, or person(s) perceive there is an unjust decision or code interpretation of Fire Code handed down on behalf of the Fresno County Fire Departments Protection and Planning Section, a written request for appeal may be submitted.

The submittal must be received by FCFPD in written document within ten (10) business days of the rendered decision of the identified project. The Appeal must have an explanation of the project type and classification. There shall be an explanation of requirements in question, the response as to why compliance may not be achieved, and a proposal for mitigation or alternative method(s) to be used. All associated documentation, calculations, or any explanatory information must be provided with the Appeal at the request of FCFPD.

Upon receipt of the Appeal, FCFPD shall respond in writing acknowledging the Appeal. This document will include a date for presentation of the Appeal to the Protection and Planning/Code Enforcement Battalion Chief or his/her designee.

The Protection and Planning/Code Enforcement Battalion Chief will evaluate all information for the "Practical Difficulties" and potential mitigations and the comparison to life safety and substantial justice. The Chief will render a decision and a written document logged into department's files with a copy to the applicant.

If the applicant does not agree with the decision made by the Protection and Planning/Code Enforcement Battalion Chief the applicant may appeal this decision to the Fire Chief or his/her designee for further review. The applicant must provide in writing a request to appeal the prior decision to the Fire Chief within ten (10) business days of the rendered decision of the Protection and Planning/Code Enforcement Battalion Chief.

If the applicant is not satisfied, the process may extend to the Office of the State Fire Marshal. This Appeal shall be out of the hands of FCFPD. The appeal shall be submitted to, the Office of the State Fire Marshal in Sacramento California under the previously identified section 103.1.4.2. Their decision will be submitted to both the applicant and FCFPD as a final decision.