

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	November 21, 2022
Action Required:	Adopt Ordinance (2 Readings Required, per City Code 2-97)
Presenter:	Michael Thomas, Interim Fire Chief
Staff Contacts:	Lisa Robertson, City Attorney
Title:	Amending Chapter 12 of the City Code to Require Fire Inspection Reports (2nd reading)

Background

The Virginia Statewide Fire Prevention Code ("State Fire Code" or "SFPC") establishes certain fire safety requirements which apply to buildings and premises throughout the Commonwealth of Virginia. Within Chapter 12 of the City Code (Section 12-31(a)), City Council has elected to provide local enforcement of the SFPC, through a designated staff member within the Charlottesville Fire Department (the "Fire Official"). The Virginia State Fire Marshal also has authority, in cooperation with the City's personnel, to enforce the SFPC within the City's geographic/jurisdictional limits.

Per state law, and in connection with its local enforcement, City Council "may establish such procedures or requirements as may be necessary for the administration and enforcement of ". See Va. Code 27-98. Additionally, within Va. Code 27-97, the General Assembly has authorized localities to adopt local regulations that are either more restrictive, or more extensive in scope, than those within the SFPC, so long as the local regulations "do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure."

Discussion

The SFPC requires certain fire protection and other life safety systems to be inspected, tested and maintained in operable condition. Property owners generally engage third-party contractors to do these inspections, and then the property owners are required to keep records. In the past, proactive agencies such as the Charlottesville Fire Department found it difficult to monitor whether or not the required inspections were being performed by every property owner required to do them, and/or to timely review voluminous paper records showing the results of tests and inspections. However, technology now offers a web-based application that can create an inspection and testing reporting program that greatly enhance the efficiency and effectiveness of the City's Fire Prevention and Community Risk Reduction Program(s). That technology consists of a web-based application that collects and aggregates inspection and testing reports, and can flag issues that require attention by Code enforcement personnel and can also alert Code enforcement personnel about what property owners may or may not have submitted a required report. The Office of the Virginia State Fire Marshal, the City of Richmond, and the City of Hampton are each launching enforcement programs which require property owners to submit inspection and testing records to enforcement authorities,

using a web-based reporting system designated by the enforcing agency. These web-based reporting systems are already being utilized in other states around the country.

The purpose of the attached proposed ordinance is to affirmatively establish a local requirement for copies of inspection, testing and maintenance records to be submitted to the City Fire Official, and also to require that the means of sharing those records will be through a web-based application designated by the Fire Official. These requirements are within City Council's authority conferred by Va. Code Secs. 27-97 and 27-98.

No vendor has yet been contracted by the City administration/ Fire Official. However, if City Council adopts this proposed ordinance, the City's Fire Official will then proceed to utilize appropriate processes/ procedures to obtain a web-based application/ service authorized by the new ordinance.

Alignment with City Council's Vision and Strategic Plan

This proposal is consistent with the City Council's vision to be a leader in innovation, and to be flexible and progressive in anticipating and responding to the needs of our citizens. The proposal also serves City Council's statement that "we continually work to employ the optimal means of delivering services...."

Community Engagement

NA (no public hearing is required for this ordinance)

Budgetary Impact

None. (Based on staff research to date, the web-based applications do not pay fees to the web service provider--a fee would be charged to each private entity that is required to post a record within the reporting system).

Recommendation

The Fire Department and City Manager recommend adoption of the attached ordinance.

Suggested motion: "I move the ORDINANCE to amend Chapter 12, Section 12-32 of the Code of the City of Charlottesville, to require reports to be submitted to the City's Fire Official and authorizing the Fire Official to require reports to be submitted through a web-based reporting service"

Alternatives

City Council may decline to authorize the Fire Official to require reports to be submitted using a web-based reporting service.

Attachments

1. Ordinance_Local_regulations Web Based Reporting