



California State Fire Marshal CODE INTERPRETATION

Date Issued	11-20-00	Interpretation #	00-022
Topic	Local Regulations in State-Occupied Buildings		
Code Section(s)	§13108, California Health and Safety Code		
Requested by	James Pettigrew City of Ontario Fire Department Bureau of Fire Prevention 415 East "B" Street Ontario, CA 91764		
Prepared by	Joe Garcia, Division Chief (559 437-1514)		

- 1. Is the local fire authority allowed to enter this building for the purpose of code compliance inspections?**

No. Section 13108 provides that the State Fire Marshal is the sole authority for enforcement (including inspection) of fire and life safety standards in state-owned and state-occupied buildings. However, local authorities may enter a state-occupied building for the purposes of preparing a pre-planning program, or for fire suppression.

- 2. Per H&S Section 13108, is the fire authority permitted to enforce local regulations in state-occupied buildings?**

No. Section 13108 provides that it is only the State Fire Marshal who may adopt fire and life safety standards for state-owned or state-occupied buildings and institutions. "State-occupied buildings" include those buildings or portions of buildings leased by a State agency (e.g., Department of Corrections Parole Offices, etc). In the case of buildings having multiple tenants of which one or more is a state agency, the portion of the building, which is "state occupied" — including exitways---- falls to the jurisdiction of the State Fire Marshal. The local authority may apply local requirements to all other portions of the structure.

3. How should the State Fire Marshal be advised of code violations identified by the local authority during pre-planning or fire suppression activities?

Notification should be sent to the SFM Division Chief, Building Safety Program at following address:

California State Fire Marshal
Building Safety Program
PO Box 944246
Sacramento, CA 94244-2460

4. We have situations where locally adopted regulations require the installation of a fire alarm system and the building owner has installed such a system when the building was constructed. The fire alarm system is not required under fire and life safety standards established by the State Fire Marshal. Is the building owner required to maintain this fire alarm system if the building is leased to a state agency?

Yes. The fire alarm system must be maintained regardless of the reason that it was put in place. However, if the facility cannot maintain the system, the SFM can evaluate the situation and decide as to whether the system can be removed.