



CITY OF MONTEREY PARK FIRE PREVENTION DIVISION

POLICY: COPYING OF FIRE PLANS

SUBJECT: PROCEDURES FOR OBTAINING COPIES OF FIRE PLANS

DATE: SEPTEMBER 24, 2015

PURPOSE

The purpose of this policy is to establish the procedures to be used when a request for copies of fire plans are received. Note that fire plans are available for inspection at any time during business hours.

POLICY ANALYSIS AND DESCRIPTION

The provisions of Section 19850 and 19851 of the Health and Safety Code are the applicable requirements pertaining to the copying of fire plans maintained by the City of Monterey Park as part of the public record. The release of such public records must adhere to the requirements in Section 19851 (See Attachment 1). It is therefore necessary to establish the forms and procedures to be used by the City of Monterey Park in response to requests for the reproduction of fire plans.

In accordance with subsection (e) of 19851, the City of Monterey Park has established a fee to be paid to the city as set forth in City Council Resolution 9636. This fee may be amended from time to time in an amount which is determined as reasonably necessary to cover the costs of the city to comply with the requirements Section 19851 and duplicate the fire plans.

FINDINGS

The following procedures shall be followed when copies of Fire Plans are requested:

1. The applicant shall complete the Affidavit of Party Requesting (see Attachment 2) duplication of Official Fire Plans and shall have the affidavit notarized.
2. Applicant shall return the completed and notarized affidavit to the Fire Prevention Division of the City of Monterey Park.
3. The Fire Prevention Division will send a letter (see Attachment 3) via registered or certified mail requesting permission to allow the applicant to receive copies of the duplicate plans to both:

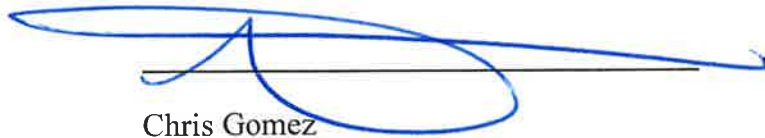
- a. the professional who signed the plans at the most recent address of the licensed, registered, or certified professional available from the California State Board of Architectural Examiners; and
 - b. the original or current owner of the building or, if the building is part of a common interest development, to the board of directors or other governing body of the association established to manage the common interest development.
4. A copy of the completed affidavit and a copy of Section 19851 of the Health and Safety Code shall be included with the letter.
 5. The letters to the Licensed Professional and the original or current owner is to be returned to the Fire Prevention Division within thirty (30) days.
 6. The applicant is allowed to obtain the copies from the Fire Prevention Division. The cost for duplication shall be the responsibility of the applicant and the applicant shall make the necessary arrangements with a bonded reproduction firm. Plan will only be released to a bonded reproduction firm acceptable to the Fire Prevention Division of the City of Monterey Park.

Note: It shall be deemed unreasonable for the Owner and/or Licensed Professional to deny permission to copy plans if:

(a) The request is not returned to the Fire Prevention Division within the thirty (30) days by which the plans shall be duplicated. However, if the fire department determines that professional is unavailable to respond within 30 days of receipt of the request due to serious illness, travel, or other extenuating circumstances, the time period shall be extended by the fire department to allow the professional adequate time to respond, as determined to be appropriate to the individual circumstance, but not to exceed 60 days.

(b) The Owner and/or Licensed Professional deny permission with an affidavit signed and notarized by the applicant.

Policy Approval:



Chris Gomez
Deputy Fire Marshal

Date: 10 / 6 / 15



Scott Haberle
Fire Chief

Date: 10 106 / 15

Attachment 1

§ 19851. Inspection of records, duplication of plans

- (a) The official copy of the plans maintained by the fire department of the city or county provided for under Section 19850 shall be open for inspection only on the premises of the fire department as a public record. The copy may not be duplicated in whole or in part except (1) with the written permission, which permission shall not be unreasonably withheld as specified in subdivision (f), of the certified, licensed or registered professional or his or her successor, if any, who signed the original documents and the written permission of the original or current owner of the building, or, if the building is part of a common interest development, with the written permission of the board of directors or governing body of the association established to manage the common interest development, or (2) by order of a proper court or upon the request of any state agency.
- (b) Any fire department of a city or county, which is requested to duplicate the official copy of the plans maintained by the fire department, shall request written permission to do so from the certified, licensed, or registered professional, or his or her successor, if any, who signed the original documents and from (1) the original or current owner of the building or (2), if the building is part of a common interest development, from the board of directors or other governing body of the association established to manage the common interest development.
- (c) The fire department shall also furnish the form of an affidavit to be completed and signed by the person requesting to duplicate the official copy of the plans, which contains provisions stating all of the following:
 - (1) That the copy of the plans shall only be used for the maintenance, operation, and use of the building.
 - (2) That drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.
 - (3) That subdivision (a) of Section 5536.25 of the Business and Professions Code states that a licensed architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to, or use of, those plans, specifications, reports, or documents where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.
- (d) The request by the fire department to a licensed, registered, or certified professional may be made by the fire department sending a registered letter to the licensed, registered, or certified professional requesting his or her permission to duplicate the official copy of the plans and sending with the registered letter, a copy of the affidavit furnished by the fire department which has been completed and signed by the person requesting to duplicate the official copy of the plans. The registered letters shall be sent by the fire department to the most recent address of the licensed, registered, or certified professional available from the California State Board of Architectural Examiners.
- (e) The governing body of the city or county may establish a fee to be paid by any person who requests the fire department of the city or county to duplicate the official copy of any plans

pursuant to this section, in an amount which it determines is reasonably necessary to cover the costs of the fire department pursuant to this section.

- (f) The certified, licensed, or registered professional's refusal to permit the duplication of the plans is unreasonable if, upon request from the fire department, the professional does either of the following:
- (1) Fails to respond to the local fire department within 30 days of receipt by the professional of the request. However, if the fire department determines that professional is unavailable to respond within 30 days of receipt of the request due to serious illness, travel, or other extenuating circumstances, the time period shall be extended by the fire department to allow the professional adequate time to respond, as determined to be appropriate to the individual circumstance, but not to exceed 60 days.
 - (2) Refuses to give his or her permission for the duplication of the plans after receiving the signed affidavit and registered letter specified in subdivisions (c) and (d).

Attachment 2



**AFFIDAVIT OF PARTY REQUESTING
DUPLICATION OF OFFICIAL PLANS**

1. I, _____, hereby certify as follows:
(Name)

Check One:

I am an individual acting solely on my own behalf.

I am employed as _____ for
(Title/job position)
_____, am acting on behalf
(Employer/requesting party)
of _____, and am authorized
(Employer/requesting party)

by such party to make this request and bind such a party to the covenants and representations made herein.

I am serving as the agent for _____,
(Requesting party)

I am acting on behalf of _____, and am
(Requesting party)
authorized by such party to make this request and bind such party to the covenants and representations made herein.

2. Attached to this Affidavit as Exhibit "A" is a list of official fire plans on file with the City of Monterey Park. I am requesting that ____ copy(s) of these plans be made available to me pursuant to the California Public Records Act and Health and Safety Code § 19851.

3. I hereby warrant and represent, on behalf of myself and any other party identified in paragraph 1 above, that copies of any and all plans listed in Exhibit "A" will only be used for the maintenance, operation and use of the buildings or structures depicted in the plans.

4. I hereby acknowledge, on behalf of myself and any other party identified in paragraph 1 above, that I/we understand plans and drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.

5. I hereby acknowledge, on behalf of myself and any other party identified in paragraph 1 above, that I/we understand pursuant to subdivision (a) of section 5536.25 of the Business and Professions Code, a licensed architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to, or use of, those plans, specifications, reports, or documents where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the specifications, reports, or documents, provided that

the architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this _____ day of _____, _____, at _____, California

(Signatory)

On behalf of:

(Requesting Party/if Signatory is not acting in his/her own capacity)

STATE OF CALIFORNIA)
)
COUNTY OF _____) ss.

On _____ (date), before me, _____,

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(SEAL)

Attachment 3



CITY OF MONTEREY PARK

Fire Prevention Division

VIA REGISTERED [OR CERTIFIED] MAIL

Re: Request for copy of Fire Plan
Address: _____

Dear _____:
[Licensed Professional and Building Owner]

The City of Monterey Park has received a request, pursuant to the California Public Records Act (Government Code § 62510, et seq.), for the duplication of official copies of fire plans. Pursuant to requirements of Health and Safety Code § 19851, the permission of the professional who signed the plans, and the original or current owner of the building, is required before the plans can be duplicated. The specific plans involved in this request for duplication are listed in Exhibit "A" attached hereto.

Please consider this registered letter the statutorily required formal request for your permission to all the duplication of plans identified in Exhibit "A". As required by State Law, we have enclosed a copy of a declaration signed by the person requesting the copy. The declaration contains language limiting the use of any copy of the plans and acknowledgements of certain limitations on the use of any previously-prepared plans. We have also provided space below for your signature of release and license number. **Please sign, complete and mail this form to the Fire Prevention Division, City of Monterey Park at the address below, or FAX the form to (626) 307-2590.**

Please also be aware that State Law requires your response to this request within thirty (30) days, and limits your ability to refuse to give your permission for the copying of the plans. Any questions you have regarding these provisions of law should be directed to your legal counsel. For your convenience, a copy of Health and Safety Code § 19851 is attached.

Thank you for your time and attention to this matter. We look forward to hearing from you within thirty (30) days from the date of this letter.

Respectfully,

Deputy Fire Marshal
City of Monterey Park

Enclosures

I, _____ hereby give my permission for release of indicated plans.
(Licensed Professional or Building Owner)

License # _____

(If applicable)