

Council Meeting of  
April 12, 2011

Honorable Mayor and Members  
of the Torrance City Council City Hall  
Torrance, California

**Members of the Council:**

**SUBJECT: Fire Department – Adopt ORDINANCE amending the Torrance  
Municipal code relating to enforcement personnel.**

**RECOMMENDATION**

The Fire Chief recommends that City Council adopt an ORDINANCE authorizing Fire Department personnel to exercise the powers of arrest while enforcing provisions of the California Fire Code, California Building Code, California Health & Safety Code, California Penal Code, California Vehicle Code, and Torrance Municipal Code. The Fire Chief further recommends that City Council approve the attached summary of the ORDINANCE for publication.

**Funding**

Not applicable.

**BACKGROUND/ ANALYSIS**

The proposed ORDINANCE will amend subsections (b) and (c) of Section 11.2.5 of the Torrance Municipal Code (TMC) to add all Fire Department personnel to the list of City employees authorized to exercise the powers of arrest. The designated Fire Department personnel will exercise the powers of arrest while enforcing provisions of the California Fire Code, California Building Code, California Health & Safety Code, California Penal Code, California Vehicle Code and the Torrance Municipal Code. Those employees will exercise the powers of arrests only as to those persons, firms or corporations found to be violating provisions of the California Fire Code, California Building Code, California Health & Safety Code, California Penal Code, California Vehicle Code, and Torrance Municipal Code which the designated employees have a duty to enforce, and which violations occur in their presence.

The California Fire Code, California Health and Safety Code, and the California Penal Code give Fire Department personnel authority in fire and crime related issues. It was recently discovered, due to an oversight, that fire personnel were omitted from the section that grants authority to enforce the Torrance Municipal Code.

The proposed ORDINANCE will correct the oversight by adding Fire Department personnel to the authorized enforcement personnel listed in section 11.2.5 (c) of the Torrance Municipal Code. Additionally, the proposed ORDINANCE amends the language of 11.2.5 (b) to make it consistent with Section 836.5 of the Penal Code.

Respectfully submitted,

WILLIAM RACOWSCHI  
Fire Chief

*HC* 

By: Ken Carter  
Fire Marshal

CONCUR:



William Racowski  
Fire Chief



LeRoy J. Jackson  
City Manager

Attachments: A. Ordinance of the City Council of the City of Torrance relating to enforcement personnel.  
B. Ordinance Summary

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF TORRANCE AMENDING ARTICLE 2 CHAPTER 1  
DIVISION 1 SECTION 5 OF THE TORRANCE  
MUNICIPAL CODE RELATING TO ENFORCEMENT  
PERSONNEL**

**WHEREAS**, the City of Torrance wants to designate certain Fire Department employees of the City of Torrance to enforce provisions of the California Fire Code, California Building Code, California Health & Safety Code, California Penal Code, California Vehicle Code, and Torrance Municipal Code.

**NOW, THEREFORE**, The City Council of the City of Torrance does hereby ordain as follows:

**SECTION 1**

That subsections (b) and (c) section 11.2.5 of the Torrance Municipal Code is amended and restated to read in its entirety as follows:

- “(b) Those officers and employees listed herein may arrest a person without a warrant whenever the officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the presence of the officer or employee that is in violation of a statute or ordinance that the officer or employee has the duty to enforce.
- (c) The following classification of officers and employees of the City are hereby authorized to exercise powers of arrest:
- 1) Assistant Finance Director;
  - 2) Revenue Inspector Collector;
  - 3) Director of Building and Safety;
  - 4) Building Regulations Administrator;
  - 5) Building Inspection Supervisor;
  - 6) Building Inspector;
  - 7) Environmental Services Administrator;
  - 8) Environmental Quality Officer;
  - 9) Public Works Inspector;
  - 10) Senior Public Works Inspector;
  - 11) Senior Building Inspector;
  - 12) Senior Electrical Inspector;
  - 13) Senior Environmental Quality Officer;

- 14) Senior Mechanical Inspector;
- 15) Senior Plumbing Inspector;
- 16) Senior Grading Inspector;
- 17) Public Works Director;
- 18) Deputy Public Works Director; (Operations);
- 19) Deputy Public Works Director; (Engineering);
- 20) Sanitation Services Manager;
- 21) Streetscape Manager;
- 22) Street Services Supervisor (Sanitation);
- 23) Street Services Supervisor (Waste Water);
- 24) Street Services Supervisor (Streetscape);
- 25) Animal Control Supervisor;
- 26) Animal Control Officer;
- 27) Fire Fighter;
- 28) Fire Engineer;
- 29) Fire Captain;
- 30) Fire Battalion Chief;
- 31) Fire Assistant Chief;
- 32) Senior Fire Inspector;
- 33) Fire Prevention Specialist;
- 34) Senior Fire Prevention Specialist;
- 35) Senior Fire Prevention Officer;
- 36) Hazardous Materials Analyst;
- 37) Hazardous Materials Specialist;"

## **SECTION 2**

Any inconsistent provisions of the Torrance Municipal Code, or any other inconsistent ordinances of the City, are repealed, to the extent of the inconsistencies.

## **SECTION 3**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then the decision will not affect the validity of the remaining portion of the ordinance. The City Council declares that it would have passed this ordinance and each of its sections, subsections, sentences, clauses and phrases, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid or unconstitutional.

## **SECTION 4**

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if

authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2010.  
ADOPTED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor of the City of Torrance

ATTEST:

\_\_\_\_\_  
Sue Herbers, City Clerk

APPROVED AS TO FORM:

John L. Fellows III  
City Attorney

By: \_\_\_\_\_  
Patrick Q. Sullivan  
Assistant City Attorney



ORDINANCE NO. \_\_\_\_\_

SUMMARY

On \_\_\_\_\_, 2010, the City Council of the City of Torrance adopted Ordinance number \_\_\_\_\_ amending subsections (b) and (c) of Section 11.2.5 of the Torrance Municipal Code relating to the enforcement personnel.

The Ordinance adds Fire Department Personnel to the list of employees of the City of Torrance who are authorized to exercise the powers of arrest for violations of a statute or ordinance that the employee has the duty to enforce. Additionally, the Ordinance amends the language of Section 11.2.5(b) to make it consistent with Penal Code section 836.5.

\*\*\*\*\*City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.\*\*\*\*\*