

STAFF REPORT

DATE: November 30, 2010
TO: City Council
FROM: Bill Weisgerber, Fire Chief
Timothy M. Annis, Acting Fire Marshal
SUBJECT: Fire Code Adoption to the Municipal Code

Recommendation

1. Hold a Public Hearing to take comments regarding adoption of 2010 California Building Standards Code Part 9, the California Fire Code
2. Adopt Ordinance Amending Chapter 13 Article 13.01 of the Davis Municipal Code, and Adopting by Reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards Code Including the Following Part: Part 9 California Fire Code, and Amending Those California Building Standards as Identified Herein, Through Express Findings of Local Necessity

Fiscal Impact

The city is required by law to enforce the mandatory regulations in the new Fire Code. The cost of the State mandated installation of residential sprinkler systems in all new one and two dwelling units will be compensated in saving lives in years to come.

Council Goal(s)

Maintain excellent fire and life safety services.

Background and Analysis

Fire Code:

City Council introduced an Ordinance Adopting by Reference the 2010 Fire Code on November 9, 2010, as amended by the City of Davis. On November 30, 2010, Council will have the opportunity to re-adopt amendments to the Fire Code which maintain the current level of fire protection that has been in existence for several years. Staff is requesting that existing fire protection requirements be maintained by adoption of these amendments. Not adopting these amendments weakens our fire protection in new construction.

Attachments

- Proposed Ordinance adopting the California Fire Code

ORDINANCE NO.XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS AMENDING CHAPTER 13 ARTICLE 13.01 OF THE CITY OF DAVIS MUNICIPAL CODE, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2010 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE INCLUDING THE FOLLOWING PART:

- **PART 9 CALIFORNIA FIRE CODE**

AND, AMENDING THOSE CALIFORNIA BUILDING STANDARDS AS IDENTIFIED HEREIN, THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY.

THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Article 13.01 of Chapter 13 of the Davis Municipal Code is hereby amended to read as follows:

Sections:

- 13.01.010 Adoption by reference of the California Fire Code, 2010 edition.
- 13.01.015 Definition of terms.
- 13.01.020 Limitation on liability of the city.
- 13.01.030 Amendments, deletions and additions to the California Fire Code, 2010 edition.
- 13.01.040 Effective date.
- 13.01.050 Finding and declaration.
- 13.01.060 Violations and penalties.
- 13.01.070 Severability of chapter.

Section 13.01.010 Adoption by reference of the California Fire Code.

The California Fire Code, 2010 edition, published by International Code Council, Inc., together with Chapter 1 and Appendix Chapters B, and C with the amendments set forth in Section 13.01.030, are also hereby adopted as the code of the city pursuant to Section 50022.1 et seq. of the Government Code of the State of California. There is one copy of said code on file in the office of the Fire Chief for use and examination by the public.

Section 13.01.015 Definition of Terms

Wherever any of the names or terms defined in this article are used in the California Fire Code each term or name shall have the meaning ascribed to it in this section.

(a) "City of" or "the city" or "jurisdiction" shall mean the city of Davis, California. All other names or terms shall apply to the appropriate officer of the city of Davis.

(b) "Corporate Counsel" shall mean the city attorney for the city.

(c) "Fire code official" or "Chief of the Fire Prevention Bureau" shall mean the Fire Chief or Fire Marshal.

(d) "Should" or "it is recommended" is intended to be read as mandatory, not directory.

Section 13.01.020 Limitation on liability of the city

This chapter imposes no liability or responsibility on the city for damages resulting from defective buildings; nor shall the city or any official or employee thereof be held as assuming any liability or responsibility by reason of the inspection authorized by this chapter.

Section 13.01.030 Amendments, deletions and additions to the California Fire Code

The California Fire Code, 2010 edition, adopted herein by reference is hereby amended by the following additions, deletions and amendments set forth in this section. The section numbers herein reference said Code:

(a) CHAPTER 1 – GENERAL CODE PROVISIONS

(1) Section 1.11.2.1.1 #1 is hereby deleted and the following is added to read:

Section 1.11.2.1.1 #1 The City of Davis delegates to the Chief Building Official the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 dwellings, as described in Section 310.1 of Part 2 of the California Building Standards Code.

(2) Section 103.1 is hereby deleted and the following is added to read as follows based on express finding #1 set forth in Section 2 of the adopting ordinance.

103.1 Establishment and duties of Bureau of Fire Prevention

The California Fire Code, 2010 edition, as adopted and amended herein shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Davis, which is hereby established and which shall be operated under the supervision of the Fire Chief.

(3) Section 103.5 is hereby added to read as follows based on express finding #1 set forth in Section 2 of the adopting ordinance.

103.5 Fees for Plan Checking and Inspections. The City Council may, by resolution, establish a schedule of fees to be charged and collected for plan review and inspection services performed. A copy of fee schedules shall be kept in the office of the City Clerk and in the office of the Fire Chief and shall be available for inspection by the public.

(b) CHAPTER 3 - GENERAL PRECAUTIONS AGAINST FIRE

Section 311.6 is hereby added to read as follows based upon express finding # 5 set forth in Section 2 of the adopting ordinance:

311.6 Property Damaged by Fire. The owner, occupant, or other person having under his or her control any property, or materials on a property damaged by fire, shall, when ordered by the Chief, immediately secure the property against entry or unauthorized access by the public, by boarding up all openings, fencing, barricading, or other appropriate measures. Within thirty (30) days after written notice to do so has been served, all debris and/or damaged materials shall be removed from the property and proof furnished that demolition, replacement or repair of all fire damaged structures remaining on the property has been accomplished.

(c) CHAPTER 5 - FIRE SERVICE FEATURES

(1) Section 503.4.1 is hereby added to read as follows based on express finding # 2 set forth in Section 2 of the adopting ordinance:

503.4.1 Fire Lanes. If, in the judgment of the Chief, it is necessary to prohibit vehicular parking along private access roads or fire lanes in order to keep them clear and unobstructed, the owner, lessee or other person in charge of the premises may be required to designate them as fire lanes. When required by the Chief, fire lanes shall be indicated as described in Section 22500.1 of the California Vehicle Code, 2009 edition.

(2) Section 507.5.5 is hereby deleted and the following is added to read as follows based on express finding # 3 set forth in Section 2 of the adopting ordinance:

507.5.5 Clear space around hydrants. A 3 foot (914 mm) clear space shall be maintained around the circumference of fire hydrants. In addition, a 90 degree arc of clear space shall be maintained from the hydrant to the street or other access way from which fire engines can approach.

(d) CHAPTER 9 - FIRE PROTECTION SYSTEMS

(1) Section 903.2.11.6.1 is hereby added as to read as follows based on expressed finding # 4 set forth in Section 2 of the adopting ordinance:

903.2.11.6.1 Sprinkler requirements based on area. In every building, except for Group R, in which the total floor area of all floors is 5,000 square feet or more, or any building 25 feet or more in height from grade plane or any building which is three or more stories regardless of height. Notwithstanding other provisions of this Code, this rule shall be applied to alterations, repairs, additions, and changes of occupancy to existing buildings as follows:

- a. Where there is no change of occupancy, alterations or repairs not increasing floor area, total height, or number of stories of an existing building may be made without making the entire building comply with this Chapter.
- b. Whenever, after the date of adoption of this Ordinance, an addition or the sum of additions made to an existing building or structure increases the floor area or height by more than ten percent (10%) of the existing building or increases the number of stories beyond two, the entire building or structure shall comply with this Chapter.
- c. Whenever, after the date of adoption of this Ordinance, an addition or the sum of additions made to an existing building or structure increases the floor area or height by ten percent (10%) or less or increases the number of stories to no more than two shall not require the entire existing building or structure to comply with this Chapter.
- d. No change shall be made in the character of occupancy or use of any existing building or structure unless the entire building or structure is made to comply with this Chapter.

EXCEPTION: The character of the occupancy of an existing building may be changed subject to the approval of the Chief Building Official and the Fire Chief, and the building may be occupied for the purposes in other occupancy groups without conforming to all the requirements of this Chapter or the Building Code for those groups, provided the new or proposed use is not more hazardous, based on life and fire risk, than the existing use.

No change in the character of occupancy of a building shall be made without a Certificate of Occupancy, as required by this Code. The Building Official may issue a Certificate of Occupancy pursuant to the intent of the above exception without certifying that the building complies with all provisions of this Chapter and provisions of the Building Code.

(3) Section 907.2.29 is hereby added as to read as follows based on expressed finding # 4 set forth in Section 2 of the adopting ordinance:

907.2.29 Commercial smoke detector limitations. Except where required elsewhere in CHAPTER 9 of this Code, installation of smoke detectors for general open space protection in buildings is prohibited if the building is completely protected by a fire sprinkler system.

(e) CHAPTER 34 - FLAMMABLE AND COMBUSTIBLE LIQUIDS

(1) Section 3404.2.9.6.1 is hereby deleted and the following is added to read as follows, based on express finding # 7 set forth in Section 2 of the adopting ordinance:

3404.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in other than “protected aboveground tanks,” as defined in NFPA 30, 2008 edition, outside of buildings is prohibited within the entire city limits.

(2) Section 3406.2.4.4 is hereby deleted and the following is added to read as follows based on expressed finding # 7 set forth in Section 2 of the adopting ordinance:

3406.2.4.4 Location where above-ground tanks are prohibited. The storage of Class I and Class II liquids in other than “protected aboveground tanks,” as defined in NFPA 30, 2008 edition, outside of buildings is prohibited within the entire city limits.

(f) CHAPTER 38 - LIQUEFIED PETROLEUM GASES

Section 3804.2 is hereby deleted, save for the exception. New Section 3804.2 is added to read as follows based on express finding # 8 set forth in Section 2 of the adopting ordinance.

3804.2 Maximum capacity within established limits. For the protection of city residents, the aggregate capacity of any one installation of storage of liquefied petroleum gas shall not exceed a 2,000-gallon (7570 L) water capacity within the entire city limits.

Exception: In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided and capabilities of the local fire department.

Section 13.01.040 Effective date

This ordinance is enacted pursuant to and in compliance with Health and Safety Code Section 18941.5 and as expressly permitted in Government Code Section 50022.2. For all codes the effective date of this Ordinance shall be January 1, 2010.

Section 13.01.050 Finding and declaration

As required by the Health and Safety Code of the state of California, the city council finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions in that they prescribe local fee schedules and make other changes in said code consistent with a comprehensive fire prevention program for the city.

Section 13.01.070 Severability of chapter

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed this chapter and each section or subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, clauses or phrases be declared invalid.

Section 2. Express Findings

As required by Health and Safety Code sections 17958.7, 18941.5(b) and 18942, the City Council of the City of Davis hereby expressly finds that amendments to the codes adopted by this ordinance and as described in section 13.01.030 are necessary for the protection of the public health, safety and welfare, due to the local climatic, geological or topographical conditions.

(a) Express Finding # 1

The express finding of fact is due to geological and climatic reasons. The City of Davis is subject to seismic events, frequent winds, low humidity and sustained periods of hot weather. These conditions increase the spread of fire. The prior stated fire conditions require a plan review process for fire and life safety and a Fee Schedule that accurately reflects the cost of service in the city.

(b) Express Finding # 2

This express finding of fact is due to a climatic reason. The City of Davis is subject to frequent winds, low humidity and sustained periods of hot weather. These conditions increase the spread of fire. Fire lanes must be kept clear at all times for utilization of fire apparatus during a fire event. The Fire Chief shall be the official to identify fire lanes as required for firefighting procedures.

(c) Express Finding # 3

This express finding of fact is due to topographical reasons. The City of Davis is in a valley and the land is flat. The additional 90 degree arc of clear space is required for the hydrant to be visible to approaching fire apparatus. Due to the highly fertile soil in the city, it is necessary to maintain a clear space around fire hydrants.

(d) Express Finding # 4

This express finding of fact is due to climatic reasons. The City of Davis is subject to frequent winds, low humidity and sustained periods of hot weather, these weather conditions which increase the spread and accumulation of dust. These dry dusty conditions increase the number of false alarms within the City of Davis.

(e) Express Finding # 5

Due to the local geologic conditions, the City of Davis is subject to seismic events. Property damage by fire must be immediately secured against entry of unauthorized personnel. All debris and/or property damaged by fire shall be removed, replaced or repaired within 30 days to insure the timely removal or repair of dangerous debris that may result in injury or death to a person or persons.

(f) Express Finding # 6

This express finding of fact is due to climatic reasons. The City of Davis is subject to frequent winds, low humidity and sustained periods of hot weather, these conditions increases the spread of fire. The prior stated fire conditions require additional fire protection in large structures.

(g) Express Finding # 7

This express finding of fact is due to a climatic reason. The City of Davis is subject to frequent winds, low humidity and sustained periods of hot weather. These weather conditions increase the spread of fire. The prior stated fire condition prohibits a safe installation of other than "protected aboveground tanks," as defined in NFPA 30, 2003 edition, flammable and combustible liquid tanks in the city.

(h) Express Finding # 8

This express finding of fact is due to a climatic reason. The City of Davis is subject to frequent winds, low humidity and sustained periods of hot weather, these weather conditions increase the spread of fire. The prior stated fire conditions prohibit a safe installation of large liquefied petroleum tanks in the city.

Section 3. The City Clerk is hereby directed to file a copy of this ordinance with the California Building Standards Commission of the State of California and shall publish this ordinance as required by law.

INTRODUCED on the 9th day of November, 2010, and PASSED AND ADOPTED by the City Council of the City of Davis on the 30th day of November, 2010 by the following vote:

AYES:

NOES:

Don Saylor.
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk