

ORDINANCE 2019-03

AN ORDINANCE OF THE AMERICAN CANYON FIRE PROTECTION DISTRICT BOARD OF DIRECTORS ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9 AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS AS IDENTIFIED HEREIN THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY, AND REPEALING ALL CONFLICTING ORDINANCES AND PARTS OF ORDINANCES

WHEREAS, the California Building Standards Commission (“Commission”) recently adopted the California Codes as part of the California State Building Standards Code; and

WHEREAS, Health and Safety Code Section 17958.5 authorizes cities, counties, and special districts to modify the California State Building Standards Code by adopting more restrictive standards if such entities determine that such standards are reasonably necessary because of local climactic, geological, or topographical conditions; and

WHEREAS, the American Canyon Fire Protection District (sometimes referred to herein after as the “District”) has reviewed each of the referenced California and model Codes and it has been determined that certain local amendments are necessary to protect the health, safety, and welfare of its residents; and

WHEREAS, Government Code section 50022 *et seq.*, empowers the District to adopt by reference various Codes, including the CALIFORNIA BUILDING CODE 2019, CALIFORNIA FIRE CODE 2019, CALIFORNIA CODE OF REGULATIONS TITLE 24, Part 9; and

WHEREAS, pursuant to the Government Code section 50022 *et seq.*, the District seeks to adopt by reference various provisions of the above referenced California Codes, subject to the additions, amendments, and deletions as set forth herein;

NOW, THEREFORE THE AMERICAN CANYON FIRE PROTECTION DISTRICT BOARD OF DIRECTORS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: That Ordinance 2016-01 entitled AN ORDINANCE OF THE AMERICAN CANYON FIRE BOARD OF DIRECTORS REPEALING FIRE DISTRICTS CURRENT ORDINANCES AND APPLYING THE NEW ORDINANCE OF THE DISTRICT, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2019 EDITION OF THE CALIFORNIA BUILDING AND STANDARDS CODE INCLUDING THE FOLLOWING PARTS: Part 9 California Fire Code, and AMENDING THOSE PORTIONS OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24 AS IDENTIFIED HEREIN; and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 2: Purpose and Authority The purpose of this Ordinance is to adopt by reference the 2019 edition of the California Building Standards Code, Title 24, Part 9 of the California Code of Regulations.

SECTION 3: Ordinance 2019-01 of the American Canyon Fire Protection District is adopted to read as follows:

Adoption of the California Fire Code.

The 2019 California Building Standards Code, Title 24, California Code of Regulations, Part 9, California Fire Code, and by reference the 2015 International Fire Code published by the International Code Council, Inc., including specifically appendices Chapters 4, A, B, BB, C, CC, E, F, G, H and K is adopted by reference the same as though fully set forth herein, save and except those portions hereinafter deleted, modified or amended by previous ordinances, of which one (1) copy is available in the Office of the District Clerk for inspection by the public.

Amendments.

The District Board of Directors hereby finds that due to local climatic, geologic and topographic conditions modifications and changes to the current California Fire Code are reasonably necessary to provide sufficient and effective protection of life, health and property. The following section and/or subsections of the California Fire Code (CFC), 2019 Edition, are hereby amended as follows:

The California Fire Code, 2019 Edition, is amended as follows:

1. Chapter 1

- A. **Chapter 1 Division I Section 1.11.2.1.1 Item 1** of Section 1.11.2.1(Enforcement) is repealed and replaced with the following: Section 1.11.2.1.1: Item 1 The City of American Canyon shall delegate 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, to the Fire Code Official of the American Canyon Fire Protection District.
- B. **Chapter 1, Section 102.7.3** is added to Section 102.7 to read in full as follows: Section 102.7.3 Fire Extinguishing systems. Fire extinguishing systems shall comply with the applicable and most current codes and standards currently adopted within the 2019 CFC and published by the National Fire Protection Association (NFPA) and District policies. The location of fire sprinklers in a 13R system is described in NFPA 13.
- C. **Chapter 1, Section 103.3.1** is added to Section 103.3 to read in full as follows: Section 103.3.1 All sworn safety personnel assigned to the Fire Prevention Division, or such other full-time District officers or Fire Prevention personnel as may be authorized by the Fire Chief or the Police Chief of the City of American Canyon or both, shall be peace officers as described in Section 830.37(b) of the California Penal Code and shall enforce the Penal Code, California Code, and where necessary and appropriate, any sections of the California Health and Safety Code, and any other county or state fire-

related laws or codes not specifically covered in any part of this code. These police powers include the power to issue misdemeanor citations. When requested to do so by the Fire Chief, the Chief of Police of the City of American Canyon is authorized to assign such available police officers as necessary to assist the District in enforcing the provisions of this Code.

- D. **Chapter 1, Section 104.11.2** is amended to read in full as follows: Section 104.11.2 Interference with the operations of the District in connection with extinguishing any fire or mitigating any other emergency, conducting inspections or investigations, or any other District operation is prohibited. Lawful commands of the Fire Chief or member of the District in charge at such a scene, or any part thereof, or any police or law enforcement officer assisting the District in charge at such a scene, or any part thereof, shall be obeyed. Any person violating this section shall be guilty of a misdemeanor.
- E. **Chapter 1, Section 105.4.2.1** is amended to read in full as follows: Section 105.4.2.1 Fire protection system drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction documents, and shall be approved prior to the issuance of a building permit. Shop drawings shall contain all information as required by referenced installation standards in Chapter 9, *infra*.
- F. **Chapter 1, Section 105.4.4.1** is amended by repealing the entire Section 105.4.4.1 (Phased approval).
- G. **Chapter 1, Section 106.3** is amended to read: Section 106.3 Work commencing before permit issuance. Any person who commences work on a building, structure or fire protection system regulated by this code before obtaining the necessary permits shall be subject to a fee established by the Fire Code Official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- H. **Chapter 1, Section 106** is amended by adding Section 106.6 which reads in full as follows: Section 106.6 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which the inspection is called is not complete or when corrections are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector or failure to provide access on the date for which the inspection is

requested, or deviating from the plans requiring approval of the Fire Code Official. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

- I. **Chapter 1, Section 106** is amended by adding Section 106.7 which reads in full as follows: Section 106.7 Fire Service fees. Fire service fees may be charged to any person, firm, corporation, or business that through negligence, violation of the law, or as a result of carelessness is responsible for the cause of any District response.

2. Chapter 3

- A. **Chapter 3, Section 307.1.2** is added to Section 307.1 to read in full as follows: Section 307.1.2 Open fires. No person may ignite, permit or maintain an open fire, including incinerators, open burning, bonfires and recreational fires, within the Districts limits. Bonfires are identified in Section 307 and are included as a type of outdoor fire.

Section 307.1.2 Exceptions:

1. Fires permitted by the Fire Code Official for the burning of tree trimmings from commercial agricultural operations exceeding 5 acres in size.
 2. Fires properly contained in a barbecue pit, barbecue grill, approved outdoor fire pit, or approved outdoor fireplace when located in lawfully occupied premises or designated campsites.
 3. Fires set or permitted by the Fire Code Official in the performance of official duties, including, but not limited to, the following:
 - 3.1. Disease and pest control prevention in connection with agricultural activities.
 - 3.2. Improvement of wildlife habitat.
 - 3.3. The training of District members.
 - 3.4. Other special situations, as approved by the Fire Chief in his or her discretion, on a case by case basis.
- B. **Chapter 3, Subsection 308.1.4** of Section 308.1 is hereby amended by repealing the entire subsection. (Open flame cooking devices)

3. Chapter 4

- A. **Chapter 4, Section 401.3.3** of Section 401.3 is hereby amended to read in full as follows: Section 401.3.3 Delayed notification. A person, alarm company, remote, or central or proprietary station shall not, by verbal or written directive, require any delay in the reporting of a fire or fire alarm signal to the District. Upon receipt of a fire alarm signal, an alarm monitoring company shall first notify the District dispatch center prior to contacting the alarm subscriber.

4. Chapter 5

- A. **Chapter 5, Section 501.3** is hereby amended by repealing the entire Subsection 501.3, and replacing it with the following: Section 501.3 Construction documents. Construction documents for proposed fire apparatus access, location of fire lanes, construction documents, hydraulic calculations for fire hydrant systems, all fire protection system plans shall be submitted and approved prior to the issuance of a building permit.
- B. **Chapter 5, Section 503.4** is hereby amended by repealing the entire section 503.4, and replacing it with the following: Section 503.4 Fire apparatus access roads, fire trail, fire lane, or driveway marked in accordance with section 503.3, shall not be obstructed in any manner, including, but not limited to, by vehicles that are parked or left standing. Minimum required widths and clearances established under this Section shall be maintained at all times. Any violations of this Section may result in the removal of the obstruction as determined by the Fire Chief. Allows the Fire Code Official the ability to remove obstructions to fire access in a timely manner.
- C. **Chapter 5, Section 505.1.1** is added to Chapter 5 Section 505.1 to read in full as follows: Section 505.1.1 Multiple dwellings or commercial complexes. At each main driveway entrance to a multiple dwelling or commercial complex, there shall be installed an illuminated diagram or map of the complex, which lists the individual addresses of all units in the complex. It shall thereafter be unlawful for any owner, lessee, or other person in charge to fail to update and maintain said diagram or map in legible condition.
- D. **Chapter 5, Section 507.2** is hereby amended by repealing the first sentence and replacing it with the following: Section 507.2 Type of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains, or other fixed systems connected to the municipal water system and capable of providing the required fire flow. Systems shall be designed and installed in accordance with the currently adopted NFPA 1142.

5. Chapter 6

- A. **Chapter 6, Section 607.2** is hereby amended by repealing the entire section 607.2 and replacing it with the following: Section 607.2 Where required. A Type 1 hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease laden vapors. Cooking facilities in assembly occupancies, and congregate residences shall be considered commercial operations.

6. Chapter 9

- A. **Chapter 9, Section 901.2** is amended by repealing the entire subsection to read in full as follows: Section 901.2 Construction documents. The Fire Code Official shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to the issuance of a building permit.
- B. **Chapter 9, Section 901.4.2 Non-required fire protection systems** is amended by repealing the entire subsection.
- C. **Chapter 9, Section 903.2** is amended by repealing the entire subsection 903.2 (with the exception of Subsections 903.2.5, 903.2.11.1, 903.2.11.1.1, 903.2.11.1.2, 903.2.11.1.3, 903.2.11.2, 903.2.11.4, 903.2.11.5, 903.2.11.6, 903.2.12, 903.2.14, 903.2.15, 903.2.16, 903.2.17, 903.2.18, 903.2.19 which shall remain in effect), and replacing it with the following: Section 903.2 Where required. An automatic fire sprinkler system shall be installed and maintained in all newly constructed buildings or structures, and existing buildings shall be provided as described in this section:

Section 903.2: Item 1 Additions is added to Section 903.2 of Chapter 9 to read in full as follows: Section 903.2: Item 1, An automatic sprinkler system shall be installed throughout any existing commercial building when the floor area of the addition (including mezzanines) exceeds 50% of the existing floor area.

Section 903.2: Item 2 Change of occupancy is added to Section 903.2 of Chapter 9 to read in full as follows: Section 903.2: Item 2, Any change of occupancy when the proposed new occupancy classification is more hazardous based on a fire and life safety evaluation by the Fire Code Official and Building Code Official, including conversion of buildings to single family residences, accessory dwelling units, bed and breakfast, inns, lodging houses or congregate residences for or other similar uses an automatic fire sprinkler system shall be installed throughout.

Section 903.2 Item 3 Manufactured Homes is added to Section 903.2 of Chapter 9 to read in full as follows: Section 903.2 Item 3, Fire Sprinkler systems shall be installed in new manufactured homes and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations. All homes in California are now required to be protected by automatic fire sprinklers.

- D. Section 903.1.1.1 Exempt locations. Is amended by adding the following exceptions:**
1. Detached pool houses, workshops, Group U private garages, barns and similar structures, built in conjunction with existing non-sprinklered single family residences and provided the new structure is less than 1,000 square feet, not intended for use as a dwelling unit.
 2. Detached non-combustible, limited combustible or fire retardant treated wood canopies. The under certain conditions permits the use of fire resistant construction materials in-lieu of fire sprinklers.
 3. Group B or M occupancies less than 1,000 square feet.
 4. Detached, unenclosed combustible gazebos or shade structures less than 1,000 square feet.
 5. Detached restroom facilities associated with golf courses, parks and similar uses.
 6. Shipping containers used for storage purpose and located not closer than 5 feet to a building, property line or other container.
- E. Chapter 9, Section 903.4.3** is amended by repealing the entire Subsection 903.4.3 and is replaced with the following: Section 903.4.3 Floor control valves. Approved supervised indicating control valves and flow switches shall be provided at the point of connection to the riser on each floor in buildings exceeding two stories in height.
- F. Chapter 9, Section 907.1.1** is amended by repealing the entire Subsection 907.1.1, and is replaced with the following: Section 907.1.1 Construction documents for fire alarm systems shall be of sufficient clarity to indicate the location, nature and extent of work proposed and show in detail that it will conform to the provisions of this code, the California Building Code, and relevant laws, ordinances, rules and regulations, as determined by the Fire Code Official. Required plans shall be submitted and approved prior to the issuance of a building permit.
- G. Chapter 9, Section 907.2.12.1.2** is amended by adding Section 907.2.12.1.2: Item 3 to read in full as follows: Section 907.2.13.1.2: Item 3 Duct smoke detectors. Shall be

capable of being reset by a readily accessible remote or push button or key activated switch as approved by the Fire Code Official.

- H. **Chapter 9, Section 907.8.6** is added to read in full as follows: Section 907.8.6 Fire Service Fees. Any person who causes the District to respond to a fire alarm in any building or structure under his or her control, and who has not provided or maintained required smoke detectors or fire alarm systems after having prior knowledge of such deficiencies, may be subject to the payment of fire service fees.

7. Chapter 56

- A. **Chapter 56, Section 5601.1.1 and Section 5601.1.2** are deleted and replaced with; Storage of explosives and blasting agents within the District limits is prohibited unless specifically authorized by the Fire Code Official.
- B. **Chapter 56, Section 5601.1.3 Fireworks** is amended by deleting exceptions 1, 2 and 4. and adding Exception 5 to read as follows; The Fire Code Official may issue Fireworks Display permits for the possession, storage, use, and handling of fireworks or pyrotechnics by state licensed contractors in compliance with Section 5608.

8. Chapter 57

- A. **Chapter 57, Section 5704.2.9.6.1** is hereby amended by repealing the first sentence of Section 5704.2.9.6.1 (thus, the provisions of Subsections 5704.2.9.6.1.1 through 5704.2.9.6.1.6 remain in effect), and replacing it with the following: Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I, II, and III liquids in above-ground tanks outside of buildings is prohibited for those areas not zoned IP (Industrial Park) and/or not specifically designated for such use in a District Policy Plan or Specific Plan:

Exception: For those protected above-ground tanks located outside the IP zone for the purpose of emergency power generator installations and for facilities on an individual basis as approved by the Fire Code Official. Tank size shall not exceed 1,000 gallons for Class I or II liquids and 2,000 gallons for Class III liquids.

- B. **Chapter 57 Section 5706.2.4.4** is hereby amended by repealing this section and replacing it with the following: Section 5706.2.4.4 Locations where above ground tanks are prohibited. Class I and II Liquids in Above-Ground Tanks. The limits referred to in Section 5706.2.4.4 of the Fire Code of the District in which the storage of Class I and Class II flammable or combustible liquids in above-ground storage tanks is restricted are hereby established as follows: areas not zoned IP (Industrial Park) and/or not specifically designated for such use in a District Policy Plan or Specific Plan.

9. Chapter 58

- A. **Chapter 58, Section 5806.2** Flammable Cryogenic Fluids in Stationary Tanks. The limits referred to in Section 5806.2 of the Fire Code of the District in which storage of flammable cryogenic fluids in stationary tanks is restricted, are hereby established and is added to Section 5806.2 of Chapter 9 to read in full as follows: within 500 feet of any zoning district or area designated for residential use.

10. Chapter 61

- A. **Chapter 61, Section 6104.2** Maximum capacity within established limits. The limits referred to in Section 6104.2 of the Fire Code of the District in which storage of liquefied petroleum gas is restricted, are hereby established as follows: within 500 feet of any zoning district or area designated for residential use.

SECTION 4 Findings. The American Canyon Fire Protection District Board of Directors finds and declares that the additions, modifications, and changes made to this code is necessary for the protection of public health, safety, and welfare due to climatic, geological, or topographical conditions. These amendments are authorized under Health and Safety Code Sections 18941.5 and 17958 and are identified as follows:

A) Express Finding Number 1: Climatic. The American Canyon Fire Protection District experiences periods of high temperatures, accompanied by low humidity and seasonal high winds. These conditions create an environment in which the Fire District would need to fully commit available firefighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have greater difficulty in controlling fires in structures not having built-in fire protection.

B) Express Finding Number 2: Geological. The American Canyon Fire Protection District is located in a region that contains active fault zones: the San Andreas, Hayward, Calaveras and Healdsburg-Rogers Creek. Three active faults are located within Napa County: the Cordelia, Green Valley and West Napa. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in structures, which will increase the availability of firefighting resources after a seismic event.

C) Express Finding Number 3: Topographical. The American Canyon Fire Protection District is divided geographically in to three parts by the north/south orientation of State Highway 29. The east and west portions of the District contain steep hillsides with residential development intermixed. These natural and man-made barriers can serve as severe impediments to the delivery of public safety services due increased response times and delays in fire suppression efforts due to flooding or traffic congestion. An extended response time allows fires to grow beyond the control of initial attack fire suppression resources. Built in fire protection in the form of automatic fire sprinklers has proven effective in controlling and extinguishing fires in the incipient stages.

D) Express Finding Number 4: The adoption of this Ordinance is exempt from review under the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*, "CEQA") as the Ordinance is not a "Project" as defined under CEQA. Moreover, the Ordinance is exempt from review pursuant to the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3) consistent with CEQA Guidelines Section 15061(b)(3) (proposed action has no potential for causing a significant impact on the environment), Section 15308 (action by regulatory agency for the protection of the environment), Section 15321 (enforcement actions by regulatory agency), and Section 15378 (general policy and procedure making).

SECTION 5 Severability. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Fire District Board of Directors hereby declares that it would have passed this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after passage thereof.

SECTION 7. Publication. The Clerk of the American Canyon Fire Protection District Board of Directors is ordered and directed to cause this Ordinance to be published in accordance with the provisions of Government Code Section 25124. The Clerk of the American Canyon Fire Protection District Board of Directors is also ordered and directed to cause this Ordinance to be filed with the California Building Standards Commission.

I HEREBY CERTIFY that this Ordinance was introduced at a regular meeting of the American Canyon Fire Protection District Board of Directors, held on the 5th day of November, 2019, and ADOPTED AND PASSED at a regular meeting of the American Canyon Fire Protection District Board of Directors, held on the 3rd day of December, 2019, by the following vote:

AYES: Chairman Garcia, Vice-Chair Aboudamous, Board Members Joseph, Leary and Oro

NOES:

ABSENT:

APPROVED:

Leon Garcia
Leon Garcia, Mayor/Chair

ATTEST:

Glen E. Weeks
Glen E. Weeks,
Fire Chief/Board Clerk

APPROVED AS TO FORM:

William D. Ross
William D. Ross, District Counsel

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