

ORDINANCE NO. 2503

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING ARTICLE II OF CHAPTER 10 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2022 CALIFORNIA FIRE CODE, WHICH ADOPTS BY REFERENCE THE 2021 INTERNATIONAL FIRE CODE; AND MAKING AMENDMENTS THERETO

WHEREAS, the California Building Standards Commission recently published the 2022 California Building Standards Code, which includes the 2022 California Fire Code (the "2022 Fire Code"); and

WHEREAS, the 2022 Fire Code will be effective on January 1, 2023; and

WHEREAS, Section 17958.5 of the California Health and Safety Code permits the City to make changes or modifications to the 2022 Fire Code, which incorporates by reference the 2021 International Fire Code with California amendments, as codified within the 2022 Fire Code, as such changes are reasonably necessary because of local climatic, geographical or topographical conditions; and

WHEREAS, Section 13143.5 of the California Health and Safety Code permits the City, by ordinance, to make changes or modifications to the 2022 Fire Code that are more stringent than the requirements published in the 2022 Fire Code, relating to fire and panic safety; and

WHEREAS, prior to making any modifications or changes pursuant to Section 17958.5 of the California Health and Safety Code, Section 17958.7 of the Health and Safety Code requires the City to make express findings that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the findings and local amendments apply to all occupancy classifications, unless specified otherwise; and

WHEREAS, the City Council of the City of West Covina has determined that modifications to the 2022 Fire Code are reasonably necessary due to local climatic, geological, and topographical conditions, as detailed in Resolution No. 2022-111; and

WHEREAS, all legal requirements prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council makes and adopts as findings the facts and conclusions set forth in the recitals of this Ordinance and, for the reasons set forth in the recitals and in Resolution No. 2022-111, finds that the modifications to the 2022 California Fire Code are reasonably necessary due to local climatic, geological, or topographical conditions.

SECTION 2. Amendment to Article II of Chapter 10. Article II (Fire Code) of Chapter 10 (Fire Prevention and Protection) of the West Covina Municipal Code is hereby amended as to read as follows:

Sec. 10-20. - Adopted.

Except as otherwise provided in this article, the city council of the City of West Covina hereby adopts by reference for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2022 California Fire Code, which adopts by reference the 2021 International Fire Code, published by the International Code Council, with errata, including Appendices A, B, BB, C, CC, D, E, F, G, H, I, K, M, N, O, and Appendix Chapter 4. In the event of any conflict or ambiguity between any provision contained in such codes set forth above, and any amendment thereto contained in this article or other provision of the Municipal Code, the amendment or addition shall control.

One (1) complete copy of the 2022 California Fire Code, with errata and supplements, and one (1) complete copy of the 2021 International Fire Code shall be at all times maintained by the city clerk for use and examination by the public.

Sec. 10-21. - Establishment and duties of bureau of fire prevention.

- (a) The California Fire Code, 2022 Edition, including all indices and appendices adopted by the city (the "Fire Code") shall be enforced by the bureau of fire prevention in the fire department of the City of West Covina which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- (b) The fire marshal in charge of the bureau of fire prevention shall be appointed by the chief of the fire department on the basis of examination to determine his or her qualifications.
- (c) The chief of the fire department may recommend to the city council of the City of West Covina the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and/or non-members of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

Sec. 10-22. - New materials, processes or occupancies which may require permits.

The building and safety director, the fire chief, and the fire code official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies for which permits are required in addition to those now enumerated in the Fire Code. The fire code official shall keep such list in his/her office for public review and distribute copies thereof to interested persons.

Sec. 10-23. - Establishment of limits in which storage of liquefied petroleum gases is to be restricted.

- (a) The limits referred to in Section 6104.2 of the Fire Code in which storage of liquefied petroleum gas is restricted, are hereby established as follows: All areas of the city except those areas approved by the fire chief or a designated representative and whose maximum quantity does not exceed 2,000 gallons water capacity.
- (b) The limits referred to in Section 6104.2 of the Fire Code in which bulk storage of liquid petroleum gas is restricted are hereby established as follows: The entire area of the city.

Sec. 10-24. - Amendments to the 2022 California Fire Code.

The California Fire Code, 2022 Edition, adopted under section 10-20 of this article, is hereby amended as follows:

Chapter 1 (Scope and Administration) is amended as follows:

Section 101 (Scope and General Requirements) is amended as follows:

Section 101.1 (Title) is amended to read as follows:

101.1 Title.

These regulations shall be known as the Fire Code of the City of West Covina, hereinafter referred to as "this code."

Section 104 (General Authority and Responsibilities) is amended to add a new subsection 104.11 to read as follows:

104.11 Fire investigations.

The fire chief, assistant chief, fire marshal, deputy fire marshal, fire protection specialist, captain, engineer, firefighter and firefighter/paramedic shall have the authority to investigate the origin, cause and circumstance of any fire, explosion or other hazardous condition. While performing these duties, the listed officers and members of the fire department, if meeting the definition of "peace officer" as outlined in California Penal Code section 830.37, shall have the power to arrest any person without warrant whenever they have reasonable cause to believe that the person has violated any provision of this chapter in their presence. Those persons certified as "fire investigators" shall also have peace officer powers under California Penal Code section 830.37.

Section 105.5 (Required Operational Permits) is amended to add a new Section 105.5.55 to read as follows:

105.5.55 Christmas tree sales lots.

All temporary, outdoor lots for the display and sale of Christmas trees are required to have a permit and shall be located, maintained, and operated subject to the following provisions:

105.5.55.1 Permits – Christmas tree sales lots.

All applications for permits shall be made in writing, filed with the city, and shall state the name of the applicant, his or her address, and the location of the proposed Christmas tree lot. The application shall be accompanied by a clearance from the fire chief as to fire regulations, by a clearance from the building and safety department as to the proposed electrical installation, if any, and by clearance from the engineering department for review of location in relation to possible interruption of traffic.

- All permits must be posted in a conspicuous place.
- Fires in barbeques or in metal drums or other containers require a special permit that is to be obtained from the fire department.

105.5.55.2 Fire protection.

There shall be maintained in each premises or display area where Christmas trees are sold or offered for sale, at least two fire extinguishers with a minimum rating of 2A. No extinguisher shall be more than 75 feet travel distance from any tree on display or in storage.

105.5.55.3 Tents or canopies on Christmas tree lots.

A separate permit shall be obtained from the fire department for all tents, canopies and temporary membrane structures and they shall meet all requirements of Chapter 31 of the Fire Code. All tents, canopies and temporary membrane structures shall be made of flameproof materials or rendered flame retardant by an approved process.

105.5.55.4 Display.

Christmas trees shall not be sold or displayed indoors or under covered, outdoor walkways of buildings or shopping centers unless the walkway is protected by an approved automatic fire sprinkler system, or the display is specifically approved by the fire chief.

105.5.55.5 Lot closure.

Christmas trees shall be removed and the debris cleared no later than 10 days after the last day of sale. A fee, as established by resolution of the city council, shall be posted for each lot with the license collector at the time of issuance of the permit. This fee will be returned if the debris is cleared and the lot is removed within the stated time, otherwise the fee will be used to defray the cost of cleanup and will not be returned.

Section 111.1 (Board of Appeals Established) is amended to read as follows:

111.1 Board of appeals established.

In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the city manager and shall hold office at his/her pleasure. The board shall adopt rules of procedures for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

Appendix A (Board of Appeals) is amended as follows:

Section A101.3 (Membership of Board) is amended to read as follows:

A101.3 Membership of board.

The board shall consist of five voting members appointed by the city manager. Each member shall serve for one year. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board.

Section 112.4 (Violation penalties) is amended to read as follows:

112.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, repairs or does work in violation of the approved construction documents or directive of the fire code official, or of a permit or certified used under the provisions of this code, shall be guilty of a misdemeanor as provided in section 1-37 of the West Covina Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate violation.

Chapter 3 (General Requirements) is amended as follows:

Section 304.1.2 (Vegetation) is amended to read as follows:

304.1.2 Vegetation.

Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

Vegetation clearance requirements for all residential front, rear and side yards including slopes shall be maintained, by the owner or occupant, free and clear of all flammable and combustible vegetation for a distance of 100 feet or to their property line, whichever is closest.

A minimum clearance of 10 feet shall be maintained between all roads and all dry grass, weeds, vegetation and other combustible material.

A minimum clearance of 10 feet shall be maintained between any tree or portion of a tree from the outlet of a chimney or stovepipe.

All roofs of any structure shall be maintained free of leaves, needles or other dead vegetative growth.

It shall be unlawful for any person to deposit any grass, weeds, brush, debris, trash or other waste material upon any vacant lot or parcel of ground within the city.

304.1.2.1 High fire hazard designation.

The City of West Covina hereby adopts the most recent County of Los Angeles High Fire Hazard Zone Map to identify and designate high fire hazard areas within city limits.

Chapter 5 (Fire Services Features) is amended as follows:

Section 503 (Fire Department Access Roads) is amended as follows:

Section 503.3 is amended to read as follows:

503.3 Markings or postings of fire apparatus access roads.

When required by the fire official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or

notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Those areas determined to be "Fire Lanes" shall be posted in accordance with the standards set forth by the West Covina engineering department per the requirements of section 22-188 of the West Covina Municipal Code.

Section 503.4 is amended to read as follows:

503.4 Obstruction or blocking of fire apparatus access roads.

The required width of a fire apparatus access road shall not be obstructed in any manner, including via the parking of vehicles. Minimum required width and clearances established under Section 503.2.1 shall be maintained at all times.

Entrances to roads, trails or other access ways, which have been closed with gates and barriers in accordance with Sections 503.5.1 and 503.2.2 shall not be obstructed by parked vehicles. In addition, any person excavating or working upon any street, alley, public thoroughfare, or fire apparatus access road and by reason thereof, or for any other reason, causes the same to be blocked or made impassable, shall notify the fire official of the fire department at the time such work is started and upon completion thereof.

Section 503.5.1 and Section 503.6 are amended to read as follows:

503.5.1 Security gates and building security access.

All security gates shall be operable by the fire department by way of an emergency entry system approved by the fire chief.

All security access systems on building entrances or openings used for emergency access shall be operated by the fire department by way of an emergency access system, which will accept a fire department master key. At the discretion of the fire chief or fire code official, an approved key box or a radio operated control system may be required as a substitute, or in addition to, the emergency key entry system.

503.6 Security gates and building security access.

All security gates shall be operable by the fire department by way of an emergency entry system approved by the fire chief.

All security access systems on building entrances or openings used for emergency access shall be operated by the fire department by way of an emergency access system, which will accept a fire department master key. At the discretion of the fire chief or fire code official, an approved key box or a radio operated control system may be required as a substitute, or in addition to, the emergency key entry system.

Section 505 (Premises Identification) is amended as follows:

Section 505.1 is amended to read as follows:

505.1 Address numbers.

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high, for residential homes, with a minimum stroke width of 0.5 inch.

Numbers for commercial or industrial buildings shall be a minimum of 8 inches high, located near the top corner of the structure facing the street. Any building which exceeds a setback of greater than 50' but does not exceed 100' from the curb face must have a minimum of 10 inch numbers. Any building which exceeds a setback of greater than 100' but does not exceed 200' from the curb face must have a minimum of 12 inch numbers.

Section 507 (Fire Protection and Water Supplies) and Appendix B (Fire-Flow Requirements for Buildings) are amended as follows:

Section 507.3 and Appendix B are amended as follows:

507.3 Fire flow.

Water mains and piping supplying fire hydrants shall not be of a size less than that specified by applicable, adopted standards, and installation shall be accompanied by hydraulic calculations supporting the size of piping installed. Underground piping shall be capable of supplying a minimum of 1,000 gallons per minute, at a residual pressure of at least 20 psi.

Appendix B Fire flow.

Water mains and piping supplying fire hydrants shall not be of a size less than that specified by applicable, adopted standards, and installation shall be accompanied by hydraulic calculations supporting the size of piping installed. Underground piping shall be capable of supplying a minimum of 1,000 gallons per minute, at a residual pressure of at least 20 psi.

Chapter 9 (Fire Protection and Life Safety Systems) is amended as follows:

Section 901.4 is amended to read as follows:

901.4 Installation.

Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever a building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable, adopted standards.

All new fire protection systems shall be designed, installed and maintained in accordance with applicable, adopted Standards of the National Fire Protection Association.

Subsections 901.4.1 and 901.4.2 are amended to read as follows:

901.4.1 Group R occupancies.

In Group R occupancies, when a fire sprinkler system is designed and installed under the NFPA 13D or 13R Standards, additional areas may require fire sprinklers at the discretion of the fire official. These areas may include, but not be limited to, areas such as closets or bathrooms under stairways; special water heater enclosures; accessible attic or storage spaces, basements and similar areas.

Section 901.4.2 Group R occupancies – signage and valves.

In Group R occupancies with a combined fire/domestic service installed, a main control valve, identified by signage, shall be installed before the tee split to the domestic piping, in addition to a domestic-only control valve. The main control valve shall be clearly identified, be readily accessible, and shall be ready for use without requiring a tool or wrench to operate. A separate fire-only control valve shall not be allowed.

Section 901.6.1 is amended to read as follows:

901.6.1 Standards.

Fire protection systems shall be inspected, tested and maintained in accordance with the referenced Standards listed in Table 901.6.1.

The design, installation, inspection and maintenance of all automatic fire sprinkler systems shall meet the requirements of the 2022 Editions of the National Fire Protection Association (NFPA) Standards 13, 13R, 13D and 25, as applicable.

Section 903.2 is amended to read as follows:

903.2 Fire sprinkler systems – where required.

Approved automatic sprinkler systems shall be provided in specific buildings, occupancies and structures as follows:

- (1) New Buildings – Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.19 of this code, an automatic fire extinguishing system shall be installed in all new structures when the total building area, as defined in Section 202, exceeds 5,000 square feet or is more than two stories in height, regardless of fire or allowable areas.

Exception: Subject to the approval of the fire official, open parking garages, in accordance with Section 406.5 of the California Building Code.

- (2) Existing Buildings:

Notwithstanding any applicable provisions of this code, an automatic fire sprinkler system shall be provided in any existing building upon occurrence of any of the following:

- (a) In any existing building after the completion of any major alteration or addition which will exceed 5,000 square feet in floor area;

(b) In any existing building where an addition or additions exceeds 25 percent of the existing floor area as of January 1, 1990 or 5,000 square feet, whichever is less, and the existing building is over 5,000 square feet;

(c) When the value of alterations or repairs to an existing building, which is 5,000 or more square feet, exceeds 25 percent of the value of the building in any 12 month period.

Exception: In any existing one and two family dwelling, fire sprinklers will be required where an addition of 1,200 square feet or more is added, where an addition or creation of a habitable floor level above or below the existing level of exit discharge takes place, or when alterations are made which affect 50 percent or more of the structural or roof framing.

“Major Alterations or Repairs” is defined as alterations or repairs requiring building permits to an existing building or structure of 5,000 square feet or more where the project valuation cost equals to or exceeds 25 percent of the current fair market value of said building or structure.

Section 903.2.3 is amended to delete the exception set forth in Section 903.2.3(2).

Section 903.2.11 is amended to delete the exception set forth in Section 903.2.11.3.

Section 903.3.5 is amended to add a new subsection 903.3.5.3 to read as follows:

903.3.5.3 Hydraulically calculated systems.

The design of hydraulically calculated fire sprinkler systems shall not exceed 90 percent of the water supply capacity.

Section 903.4.2 is amended to add a new subsection 903.4.2.1 to read as follows:

903.4.2.1 Alarm devices.

At the discretion of the fire official, at least one interior audible alarm device, connected to the fire sprinkler flow switch, may be required for residential occupancies and individual commercial tenant spaces where it is determined that the exterior audible device may not provide adequate occupant notification in the event of a fire.

Chapter 56 (Explosives and Fireworks) is amended as follows:

Section 5601.1.3 is amended to delete Exception #4.

Section 5608 is amended to add a new Section 5608.2 to read as follows:

5608.2 Permit required.

The city council may permit any person, licensed by the State Fire Marshal, to conduct a public display of fireworks, and for that purpose to use and discharge fireworks at such times and such places in the city as the city council may fix and establish, provided that a written application for a permit to do so is filed with the chief of the fire department of the city at least 15 days in advance of the date of the display. It shall be the duty of the chief of the fire department to whom the application for a permit is made to make an investigation and submit a report of his or her findings and recommendations for or against reasons therefore, to the city council. The city council shall

have the power in its discretion to grant or deny the permit. If the permit is granted, the applicant shall furnish the city with a certificate of insurance in adequate amount, which shall also contain a clause holding the city harmless from any damage or injury resulting from granting the permit.

Section 5609 is amended to add a new subsection 5609.2 to read as follows:

5609.2 Sale and retail display.

No person shall construct a retail display nor offer for sale any explosives, explosive materials or fireworks upon any highway, street, sidewalk, public or private property, or from any occupancy within the city.

The sale, use and discharge of fireworks, including those classified as "Safe and Sane" is prohibited within the City of West Covina limits.

Chapter 80 (Referenced Standards) is amended as follows:

- (1) Revise NFPA 13D, Section 7.6, to read as follows:

7.6 Local waterflow alarms shall be provided on all sprinkler systems.

- (2) Revise NFPA 13D, Sections 8.3.5. and 8.3.5.1, to read as follows:

8.3.5 Sprinklers shall not be required in attics without storage or other concealed spaces that are not used or intended for living purposes.

8.3.5.1 When fuel-fired equipment is present in the attic, at least one quick-response, intermediate temperature sprinkler shall be installed above the equipment.

- (3) Delete NFPA 13D Sections 8.3.5.1.1 and 8.3.5.1.2 in their entirety.

- (4) Revise NFPA 13D, Section 8.3.9, to read as follows:

8.3.9 Sprinklers shall be installed in any closet or combustible enclosure containing heating and/or air conditioning equipment, washers and/or dryers, or water heaters.

Sec. 10-25. - Appeals

Whenever the fire chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Fire Code do not apply or that the true intent and meaning of the Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the fire chief to a board of appeals as outlined in Section 111 of the 2022 California Fire Code within 30 days from the date of the decision.

Sec. 10-26. – Administrative penalties.

Violation of any of the provisions of this article or the Fire Code adopted by reference herein may be punished as a criminal offense or by the issuance of an administrative citation in accordance with article X of chapter 15 of this Code. The administrative fines shall be in the amounts set forth in article X of chapter 15 of this Code, or such greater fine amounts as authorized by California law. In the event of an inconsistency between the authorized amount

of such fines pursuant to article X of chapter 15 and of those authorized by California law, the greater fine amount may be imposed.

SECTION 3. Severability. If any section, subsection, clause or phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this Ordinance. The City Council of West Covina hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 4. Effective Date. This Ordinance shall become effective on January 1, 2023.

SECTION 5. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.


SECTION 6. Certified Copy. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

PASSED, APPROVED AND ADOPTED this 15th day of November, 2022.




Dario Castellanos
Mayor

APPROVED AS TO FORM



Thomas P. Duarte
City Attorney


ATTEST

For: 

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, do hereby certify the foregoing Ordinance, being Ordinance No. 2503, was introduced at the November 1, 2022, regular Council meeting and adopted at a regular meeting of the City Council on November 15, 2022, by the following roll call vote:

AYES:	Castellanos, Diaz, Lopez-Viado, Tabatabai, Wu
NOES:	None
ABSENT:	None
ABSTAINED:	None

For: 

Lisa Sherrick
Assistant City Clerk