

ORDINANCE NO. 1174

AN ORDINANCE OF THE CITY OF SANGER, CALIFORNIA, REPEALING ARTICLE 3 OF CHAPTER 30, AND ADDING ARTICLE III TO CHAPTER 30 OF THE SANGER CITY CODE RELATING TO ADOPTION OF FIRE PREVENTION CODE AND ADOPTING BY REFERENCE AND AMENDING PROVISIONS OF THE 2013 EDITION OF THE CALIFORNIA FIRE CODE.

THE COUNCIL OF THE CITY OF SANGER DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings.

The Council makes the express findings set forth in Resolution No. 4642, entitled “A Resolution of the City Council of the City of Sanger, California, Making and Adopting Express Findings That Modifications or Changes to the California Fire Code Are Reasonably Necessary Because of Local Climatic, Geological and Topographical Conditions” attached hereto and incorporated herein by reference as Exhibit A and finds that the amendments made are reasonably necessary because of the local climatic, geological or topographical conditions described in Exhibit A. The modifications or changes to the California Fire Code are specifically listed below and the incorporated express findings regarding those modifications may be generally characterized as relating to (1) solar photovoltaic power systems installation; (2) fire sprinkler systems; and (3) additional regulations of lumber yards, woodworking, recycling and waste handling facilities.

SECTION 2. Article III of Chapter 30 Repealed.

Article III of Chapter 30 of the Sanger Municipal Code is repealed. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or omitted in violation of this chapter prior to the effective date of this ordinance.

SECTION 3. Article III of Chapter 30 Adopted.

Article III of Chapter 30 of the Sanger Municipal Code is added to the Sanger City Code to read:

ARTICLE III

FIRE PREVENTION

Section	30-56	Adoption of the California Fire Code
	30-57	Violations and penalties
	30-58 (a)--(101.1)	Title
	30-58 (b)--(102.3)	Change of Use or Occupancy
	30-58 (c)--(103.1)	General
	30-58 (d)--(105.6.30)	Open Burning
	30-56 (e)--(106.2.3)	Business License Inspections
	30-58 (f)--(109.3.1)	Service

30-58 (g)--(109.4)	Violation Penalties
30-58 (h)--(109.4.1)	Abatement of Violation
30-58 (i)--(109.5)	Cost Recovery
30-58 (j)--(111.4)	Failure to Comply
30-58 (k)--(506.2)	Key Box Maintenance
30-58 (l)--(605.11.5)	DC Roof Disconnects
30-58 (m)--(901.1)	Scope
30-58 (n)--(902.1)	Definitions
30-58 (o)--(903.1.2)	Determination of Building Area
30-58 (p)--(903.1.3)	Applicability to Existing Buildings
30-58 (q)(1)--(903.2)	Where Required
30-58 (q)(2)--(903.2.1.1)	Group A-1
30-58 (q)(3)--(903.2.1.3)	Group A-3
30-58 (q)(4)--(903.2.1.4)	Group A-4
30-58 (q)(5)--(903.2.2.1)	All Other Group B Occupancies
30-58 (q)(6)--(903.2.3)	Group E
30-58 (q)(7)--(903.2.4)	Group F
30-58 (q)(8)--(903.2.7)	Group M
30-58 (q)(9)--(903.2.8)	Group R-1 and R-2
30-58 (q)(10)--(903.2.9)	Group S-1
30-58 (r)--(2808.3)	Size of Piles
30-58 (s)--(2808.4)	Pile Separation
30-58 (t)--(2808.7)	Pile Fire Protection
30-58 (u)--(2808.11)	Security
30-59	Compliance with Zoning Code
30-60	Bureau of Fire Prevention; Duties
30-61	Appeals
30-62	New Materials, Processes, etc., Which Require Permits
30-63	Reserved
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30-65	Reserved

30-56. Adoption of the California Fire Code.

The 2013 California Fire Code (as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2012 International Fire Code as amended with necessary California amendments, and the 2012 International Fire Code, including Appendix Chapters E and F) is hereby adopted and amended by the City of Sanger for the purpose of prescribing regulations governing conditions hazardous to life and property protection from fire, hazardous materials, or explosions, except such portions as fully as if set out at length herein. The Council does hereby find it is reasonably necessary to make certain changes and modifications to the requirements contained in the rules and regulations adopted pursuant to Sections 17922 et seq. and 18935 et seq. of the California Health and Safety Code; such changes or modifications are set forth in this Article as Amendments to the 2013 California Fire Code.

30-57. Violations and penalties.

(a) Any person who shall violate any of the provisions of this article or fail to comply therewith, or who shall violate or fail to comply with any lawful order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken within the time fixed therefor, shall severally for each and every such violation and noncompliance respectively be guilty of an infraction punishable by a fine as provided in Section 1-8.5 of the City Code.

(b) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified each ten days that the prohibited condition(s) continue(s) to exist shall constitute a separate offense.

(c) The imposition or application of a fine shall not be held to prevent the enforced removal of prohibited condition(s).

30-58. Amendments to 2013 California Fire Code.

Set forth in this section are the amendments, additions, and deletions to the 2013 California Fire Code.

(a) Section 101.1 of the California Fire Code is amended to read:

101.1 Title. This code shall be known as the Sanger Fire Prevention Code, may be cited as such, and shall be referred to herein as “this Code”. When used here “CFC” means the 2013 California Fire Code, with such amendments as adopted by the State of California and the 2012 International Fire Code, including appendix Chapters E and F, as adopted and amended in this article.

(b) Section 102.3 of the California Fire Code is amended to read:

102.3. Change of Use or Occupancy. No change shall be made in the use or occupancy of any structure, which would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the California Building Code. Subject to the approval of the fire and building code official, the use or occupancy of an existing structure shall be allowed to be changed, and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the California Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

(c) Section 103.1 of the California Fire Code is amended to read:

103.1. General. The department of fire prevention is established within the jurisdiction under the direction of the Fire Code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code. Whenever the terms “department of fire prevention,” “fire prevention bureau” or “fire prevention division” are used in this Code or the City of Sanger Municipal Code, the terms shall mean “Fire Prevention Division.”

(d) Section 105.6.30 of the California Fire Code is amended to read:

105.6.30. Open Burning. An operational permit is required for the kindling or maintaining of an open fire or fire on any public street, alley, road, or other public or private ground which has been approved by the San Joaquin Valley Air Pollution Control District. Notwithstanding other provisions, open burning is prohibited as follows:

1. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.
2. Open burning in violation of the rules promulgated by the San Joaquin Valley Air Pollution Control District.
3. The Fire Code official is authorized to order the immediate extinguishment of any unauthorized opening burning and may issue administrative citations and seek to recover costs in accordance with Section 109.5 of this Code.

(e) Section 106 of the California Fire Code is amended to read:

106.2.3 Business License Inspections. Before any business is licensed in the City, fire clearance of the business premises must be obtained from the fire department. All fire hazards shall be removed from the premises before a license is issued to conduct business in such premises.

(f) Section 109.3.1 of the California Fire Code is amended to read:

109.3.1. Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition of violation either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned properties, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known owner, occupant or both. The Fire Code official is authorized to issue an administrative citation for abatement of violations of this code in accordance with the City of Sanger City Code.

(g) Section 109.4 of the California Fire Code is amended to read:

109.4. Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the Fire Code official, or of a permit or certificate issued used under provisions of this code shall be guilty of an infraction. Upon failure to comply with a written notice of violation, the Fire Code official is authorized to impose penalties or seek legal action in accordance with the City of Sanger City Code. Each day that a violation continues shall be deemed a separate offense.

(h) Section 109.4.1 of the California Fire Code is amended to read:

109.4.1. Abatement of Violation. In addition to the imposition of the penalties herein described, the Fire Code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. Such action is subject to the cost recovery provisions of Section 109.5.

(i) Section 109.5 of the California Fire Code is amended to read:

109.5. Cost Recovery. The Fire Chief or designee may seek recovery of any direct or indirect costs for fire prevention, fire suppression, hazardous material incident response, and protection of the public from fire and life safety hazards. Additionally, acts caused from serious negligence or carelessness, an intentional wrongful act, malice, or failure to comply with a written notice of violation will be subject to the cost recovery program set forth in the Master Fee Schedule.

(j) Section 111.4 of the California Fire Code is amended to read:

111.4. Failure to Comply. Any persons who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to an administrative citation or other judicial or administrative action in accordance with Section 109.5.

(k) Section 506.2 of the California Fire Code is amended to read:

506.2. Key Box Maintenance. The operator of the building or premises shall immediately notify the Fire Code official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

(l) Section 605.11.5 of the California Fire Code is added to read:

605.11.5. DC Roof Top Disconnects. There shall be a separate emergency DC disconnect on the roof to disconnect solar panels from DC wiring running through and on the building to the inverter. This disconnect must be permanently labeled in reflective, fade-resistant material that states: "Emergency DC Disconnect". This provides a safety mechanism for firefighting ensuring power has been disabled as close to the source as possible. Disconnects, provided in a NEMA 3R box, shall be installed as close to the array as possible to eliminate and substantial length of energized wiring that cannot be shut down. Commercial installation where multiple disconnects

are present will be evaluated and approved on a case by case basis by the Fire Code official or their designee.

(m) Section 901 of the California Fire Code is amended to read:

901.1. Scope. The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. All fire extinguishing systems required by this ordinance shall be installed in accordance with the requirements set forth in the most recently adopted California Fire Code. All fire extinguishing systems shall be approved by the Fire Department and shall be subject to periodic tests as may be required by the authority having jurisdiction.

(n) Section 902.1 of the California Fire Code is amended to read:

902.1. Definitions.

(a) “Automatic Fire Extinguishing System” is an approved system of devices and equipment, which automatically detects a fire and discharges an approved fire extinguishing agent onto or in the area of the fire.

(b) “Building Size” shall be, for the purposes of this ordinance, the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Total building area shall include all areas, rooms, patios, porches, overhangs and similar areas under the roof line (“drip line”) of the structure or building.

(c) “Occupancy Classification” is every building is classified by the Building Official according to its use or the character of its occupancy into groups or divisions as defined in the California Building Code.

(d) “Occupancy” is the purpose or purposes for which a building, or part thereof, is used or intended to be used.

(o) Section 903.1.2 of the California Fire Code is amended to read:

903.1.2. Determination of Building Area. For purposes of determining building area for automatic fire sprinkler system requirements, the following criteria shall be used:

1. Fire walls, fire barriers, fire partitions, or horizontal fire assemblies as defined in this code shall not be considered to create separate buildings or fire areas for determining automatic fire sprinkler requirements also amending Section 311.2.3 CFC.

2. Determination of building area for combustible construction shall be measured to the building perimeter roof drip line, including architectural features, such as, but not limited to, mansards, towers, porte cocheres, etc., with the exception of 44" maximum depth roof eaves. For

non-combustible construction, building area shall include all perimeter roof areas exceeding 44" that are required by NFPA 13 to have fire sprinkler protection under the projection. The area of open shafts or courts need not be included in calculating floor area. When multiple buildings are considered as one building per California Building Code Section 705.3, the combined floor areas shall be used to determine the automatic fire sprinkler requirements.

(p) Section 903.1.3 of the California Fire Code is amended to read:

903.1.3. Applicability to Existing Buildings. For existing buildings an automatic fire extinguishing system shall be installed in those circumstances described in this subsection. Installation requirements shall be as set forth for new buildings by Sections 903.2.1 through 903.2.10 and Section R313.1 and R313.2 of the California Residential Code.

1. Building Additions. When additions exceed 25% of the existing building square footage and the total proposed building area exceeds 5,000 square feet, an automatic fire sprinkler system shall be installed throughout the building. The 25% threshold shall be cumulative over the life of the building.

Exception: Building additions of non-combustible construction and non-combustible uses such as covered pedestrian walkways.

2. Change of Occupancy. In existing buildings over 5,000 square feet, when a Change of Occupancy, in accordance with the California Building Code, is made and the proposed new occupancy is more hazardous to life and safety than the existing occupancy an automatic fire extinguishing system shall be installed throughout the building.

Exceptions:

(a) If the area in which the Change of Occupancy occurs is less than 25 percent of the actual floor area of the existing building and the area of the new occupancy is 5,000 square feet or less and fire sprinklers are not required based on occupancy by Section 903, an automatic fire sprinkler system is not required for any portion of the building. The 25% limit is cumulative over the life of the building.

(b) If the area in which the Change of Occupancy occurs exceeds 25% but is less than 50% of the actual floor area of the existing building, only that portion of the building changing occupancy is required to have an automatic fire extinguishing system installed. An approved fire separation shall be required between portions of the building with fire sprinklers and those portions without.

(c) If individual or cumulative Change of Occupancies exceeds 50% of the overall floor area of the existing building, then the entire building shall have an automatic fire extinguishing system installed throughout.

3. Fire Damage Repairs. An automatic fire sprinkler system shall be installed as a condition of damage fire damage repair building permit as follows:

(a) When a fire occurs in any existing occupancy, and the building permit repair costs exceed 50% of the current building valuation, an automatic fire extinguishing system shall be installed throughout the building as required for a new building in Section 903.

(b) Fire damage repair costs and building valuation shall be based on the ICC Building Valuation Tables in use by the Development and Resource Management Department at the time of the issuance of the fire damage repair permit.

4. R-2 Condominium Conversions. Existing R-1 or R-2 buildings proposed for conversion to condominiums shall have an automatic fire sprinkler systems installed as a condition of approval.

This Standard is promulgated in accordance with 903.1 of the California Fire Code, which regulates the installation of automatic fire sprinkler systems.

(q) Section 903.2 of the California Fire Code is amended by amending the following sub-sections:

(q)(1)

903.2 Where Required. Approved automatic sprinkler systems in new buildings and structures shall be required in all new buildings and structures when the total floor area exceeds five thousand (5,000) square feet as outlined in this Code. Area separation walls shall not be considered to create separate buildings for the purpose of automatic fire sprinkler system requirements.

(q)(2)

GROUP A.

903.2.1.1. Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

(q)(3)

903.2.1.3. Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 5,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than 4-hour fire resistance rating without openings.

(q)(4)

903.2.1.4. Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

(q)(5)

GROUP B.

903.2.2.1 All Other Group B Occupancies. An automatic fire sprinkler system shall be installed throughout all other B occupancies where the fire area exceeds 5,000 square feet.

(q)(6)

903.2.3. Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 5,000 square feet in area.

Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.

3. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantities are used or stored.

4. Throughout any Group E structure greater than 5,000 square feet in area, and which is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

(q)(7)

GROUP F.

903.2.4. Group F. An automatic fire sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exist:

1. A Group F-1 fire area exceeds 5,000 square feet.

A Group F-1 fire area is located more than three stories above grade plane.

3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet.

(q)(8)

GROUP M.

903.2.7. Group M. Automatic fire sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exist:

1. A Group M fire area exceeds 5,000 square feet.

A Group M fire area is located more than three stories above grade plane.

3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet

5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating.

(q)(9)

GROUPS R-1 and R-2.

903.2.8. Group R. An automatic fire sprinkler system shall be provided throughout buildings containing a Group R-1 and R-2 occupancy with a fire area over 5,000 square feet. All Group R-1 and R-2 occupancies, except hotels, will be required to install an NFPA 13R system. The installation of a complete NFPA 13 systems shall be required for all new Group R-1 and R-2 hotels.

(q)(10)

GROUP S-1.

903.2.9. Group S-1. An automatic fire sprinkler system shall be provided throughout buildings containing a Group S-1 occupancy where one of the following conditions exist:

1. A Group S-1 fire area exceeds 5,000 square feet.

A Group S-1 fire area is located more than three stories above grade plane.

3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 5,000 square feet.
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet.

(r) Section 2808 of the California Fire Code is amended to read:

2808.3 Size of Piles. Piles shall not exceed 20 feet (6.1 m) in height, 50 feet (15.2 m) in width and 250 feet (76.2 m) in length.

(s) Section 2808.4 of the California Fire Code is amended to read:

2808.4 Pile Separation. Piles shall be from adjacent piles or other exposures (including, but not limited to, property lines or other storage, and buildings) by means of a fire department access roadways. A 120 foot (36.6 m) by 90 foot (27.5 m) area shall be maintained available for use for the Fire Department for interim storage of pile breakdown material during fire suppression activities.

(t) Section 2808.7 of the California Fire Code is amended to read:

2808.7 Pile Fire Protection. An approved water supply for firefighting purposes shall be provided in accordance with Section 507. Automatic fire sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible or enclosed conveyor systems shall be equipped with an approved automatic sprinkler system.

(u) Section 2808.11 of the California Fire Code is amended to read:

2808.11 Security. Areas shall be surrounded by an approved fence. Fences shall be a minimum of 6 feet (1.8 m) in height.

30-59. Compliance with Zoning Code.

Nothing in this article or in the Fire Code adopted by this article shall be construed to authorize any use of land or property which is inconsistent with or contrary to the provisions of the city's zoning ordinance.

30-60. Bureau of Fire Prevention; Duties.

The Fire Code adopted by this article shall be enforced by the Bureau of Fire Prevention in the Fire Department which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

30-61. Appeals.

Whenever the Chief of the Fire Prevention Bureau shall disapprove an application or refuse to grant a permit, or when it is claimed that the provisions of the code adopted by this article do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision to the city manager within 30 days after the date of the final decision of the chief of the bureau of fire prevention. In all cases where it is claimed that the provisions of the code do not apply, accepted practices as set forth in the pamphlets of the National Board of Fire Underwriters shall be considered binding authority.

30-62. New Materials, Processes, etc., Which Require Permits.

The City Manager, the Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those enumerated in the Fire Code adopted by this article. A list of required permits shall be posted in the office of the bureau of fire prevention.

30-63 to 30-65 Reserved.

SECTION 4. Effective Date. This ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

SECTION 5. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

Raul Cantu, Mayor

ATTEST:

I, Rebeca Hernandez, City Clerk of the City of Sanger, California, do hereby certify that the foregoing ordinance was introduced on a motion of Councilmember Pacheco seconded by Councilmember Garza, at a regular meeting of the Sanger City Council held on the 21st day of July, 2016, and was duly adopted by the Sanger City Council at a Regular Meeting of said City Council on the 4th day of August, 2016, by the following vote:

AYES:	COUNCILMEMBERS:	CANTU, ONTIVEROS, GARZA, PACHECO
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	NONE

Rebeca Hernandez, City Clerk

APPROVED AS TO LEGAL FORM:

Hilda Cantú Montoy, City Attorney