

ORDINANCE NO. 2395

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, AMENDING ARTICLE III OF THE ARCADIA MUNICIPAL CODE RELATING TO FIRE REGULATIONS AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA FIRE CODE IN ITS ENTIRETY, INCLUDING CHAPTER 4 AND APPENDICES B, C, D, K, AND O BASED ON THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO

WHEREAS, pursuant to Government Code Section 50022.1 *et seq.* the City may adopt by reference the California Building Standards Code, 2022 Edition as provided in Title 24 of the California Code of Regulations, which includes the California Fire Code; and

WHEREAS, the California Building Standards Commission ("Commission") recently adopted the 2022 Edition of the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City of Arcadia desires to adopt the 2022 Edition of the California Fire Code in its entirety, including Appendix Chapter 4 and Appendices B, C, D, K, and O based on the 2021 Edition of the International Fire Code published by the International Code Council, together with the necessary amendments to assure the Codes are tailored to the particular safety needs of the City as required by its unique climatic, geological and topographical conditions; and

WHEREAS, the City Council conducted first reading of this Ordinance on October 18, 2022; and

WHEREAS, notice of a public hearing on this ordinance was published in the Arcadia Weekly on October 24, 2022 and October 31, 2022; and

WHEREAS, the City Council held a public hearing on November 15, 2022, as required by law, at which time the Council determined that the adoption of the Codes and amendments thereto are in the best interest of the City and are based on the findings required by law; and

WHEREAS, at least one copy of each of the Codes adopted by reference by this ordinance were available for public inspection at the office of the City Clerk fifteen (15) days preceding the public hearing pursuant to Government Code Section 50022.6.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the amendments and additions to the California Fire Code herein are supported by Findings of Fact which are attached hereto as Exhibit "A" and incorporated herein as part of this Ordinance.

SECTION 2. Section 3121 of Division 1, Part 2, Chapter 1, Article III of the Arcadia Municipal Code is hereby amended to read as follows:

"3121. CALIFORNIA FIRE CODE ADOPTION.

Subject to the exception of the deletions or additions hereinafter set forth, and further subject to the amendments hereinafter specified, there is adopted by reference for the City of Arcadia the 2022 Edition of the California Fire Code, including Chapter 4 and Appendices B, C, D, K, and O based on the 2021 Edition of the International Fire Code published by the International Code Council, and the foregoing shall constitute the Fire Code of the City of Arcadia.

One (1) copy of said code is on file in the office of the City Clerk for use and examination by the public.”

SECTION 3. Sections 3124, 3124.1, 3124.2, 3124.3, 3124.4, 3124.5, 3124.6, 3124.7, 3124.8, and 3124.9 of Division 4, Part 2, Chapter 1, of Article III are hereby amended in their entirety to read as follows:

“3124. AMENDMENTS AND ADDITIONS.

The California Fire Code is hereby amended to read as follows:

3124.1. AMENDMENT.

Section 105.6.15 of the California Fire Code is amended to read as follows due to local climatic, geographical, and topographical conditions:

105.6.15 LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.

Exception: A permit is not required for individual containers with a 500-gallon water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons, used exclusively for emergency power generation, and serving occupancies in Group R-3 not located in the Wildland-Urban Interface Area.

2. Operation of cargo tankers that transport LP-gas.

3124.2. AMENDMENT.

Section 202 of the California Fire Code is amended to read as follows due to local climatic, geographical, and topological conditions:

Business Group B

Training and skill development not in a school or academic program (this shall include, but not be limited to, martial arts studios, gymnastics and similar uses regardless of the ages served, and where not classified as a Group A occupancy).

3124.3. AMENDMENT.

Section 903.2 of the California Fire Code is amended to read as follows due to local climatic, geographical, and topographical conditions:

903.2. Where required. Approved automatic extinguishing systems shall be installed:

1. In all new buildings regardless of the type of construction or occupancy.

EXCEPTIONS: A) Detached private garages, providing the floor area does not exceed 1000 square feet.

B) Pool houses, recreation rooms, workshops, and similar accessory R-3 occupancies providing no portion of the exterior wall of the building is more than 150 feet from a public street.

C) Other minor buildings and/or occupancies as approved by the Fire Chief.

2. In existing buildings with new occupancies as required by other sections of the Fire Code.

3124.4. AMENDMENT.

Section 903.2.18 of the California Fire Code is amended to read as follows due to local climatic, geographical, and topographical conditions:

903.2.18. Group U garages and carports accessory to Group R-3 occupancies. Carports with habitable space above, detached private garages over 1000 square feet in area, and attached private garages shall be protected by fire sprinklers in accordance

with this section. These areas shall have a design density of an Ordinary Hazard Group 1 occupancy with a design area of two (2) heads. Quick-response intermediate temperature commercial type heads shall be used.

3124.5. AMENDMENT.

Section 903.3.1.3 of the California Fire Code is amended to read as follows due to local climatic, geographical, and topographical conditions:

903.3.1.3. NFPA 13D SPRINKLER SYSTEMS. Where allowed, automatic sprinkler systems installed in one- and two-family dwellings shall be installed throughout in accordance with NFPA 13D with the following additions:

A) Attics containing forced air units shall have one or more quick-response intermediate temperature sprinkler heads adjacent to each unit.

B) Attached private garages shall be sprinklered and shall have a design density of an Ordinary Hazard Group 1 occupancy with a design area of two (2) heads. Quick-response intermediate temperature commercial type heads shall be used for the garage area.

C) Detached private garages over 1000 square feet in total area shall be sprinklered and shall have a design density of an Ordinary Hazard Group 1 occupancy with a design area of two (2) heads. Quick-response intermediate temperature commercial type heads shall be used for the garage area.

D) Residential structures under 5000 square feet in total area shall be designed for two (2) heads flowing in the residential area. Residential structures over 5000 square feet in total area shall be designed for four (4) heads flowing in the residential area.

E) Attics and basements used for storage purposes shall be fully sprinklered with residential type heads.

F) A single exterior bell activated by the waterflow switch shall be provided at an approved location.

G) A representative sample of spare heads shall be provided at an approved location.

3124.6. AMENDMENT.

Section 903.4.2 of the California Fire Code is amended to read as follows due to local climatic, geographical, and topographical conditions:

903.4.2. ALARMS. An approved audible and visible exterior device shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic fire sprinkler system shall actuate the building fire alarm system. Approved audible notification appliances shall be provided in the interior of the building at locations required by the Fire Chief.

EXCEPTION: NFPA 13D systems serving R-3 occupancies shall be provided with a single exterior bell.

3124.7. AMENDMENT.

Section 1103.2 of the California Fire Code is amended to read as follows due to local climatic, geographical, and topographical conditions:

1103.2 Emergency responder radio coverage in existing buildings. Existing buildings that do not have approved radio coverage for emergency responders within

the building based upon the existing coverage levels of the public safety communications systems of the jurisdiction at the exterior of the building, shall be equipped with such coverage according to one of the following:

1. Wherever an existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with Section 510.1, Exception 1.
2. Whenever total additions result in an increase of more than 5000 square feet in the total floor area, including mezzanines or additional stories, regardless of ownership. Additions shall be cumulative with each application for building permit from January 1, 2011.
3. Whenever the value of alterations requiring permits exceed \$500,000 in valuation. Alteration values shall be cumulative with each application for a building permit from January 1, 2011.

3124.8. AMENDMENT.

Section 1103.5 of the California Fire Code is amended to read as follows due to local climatic, geographical, and topographic conditions:

1103.5 EXISTING BUILDINGS. An approved automatic fire sprinkler system shall be installed in existing buildings, including any additions thereto, in the occupancies and buildings as set forth in this section.

1. In all commercial and industrial buildings greater than 5000 square feet in area when enlarged by an addition to the existing structure or as required by the Fire Chief.
2. In all commercial and industrial buildings equal to or less than 5000 square feet in area, when enlarged by an addition to the existing structure, exceeds 5000 square feet or as required by the Fire Chief.

3. In all Group R-1 or R-2 Occupancies when an addition results in additional guestrooms or dwelling units.

4. In all Group R-3 Occupancies greater than 2500 square feet in living area when enlarged by an addition to the living area of the existing structure.

EXCEPTIONS:

1) Additions of areas that would not require sprinklers such as closets or bathrooms.

2) Additions that occur without increasing the number of stories or increasing the horizontal projection of the first story roof.

5. In all Group R-3 Occupancies equal to or less than 2500 square feet in living area, when enlarged by an addition to the living area of the existing structure, exceeds 2500 square feet in residential area.

EXCEPTIONS:

1) Additions of areas that would not require sprinklers such as closets or bathrooms.

2) Additions that occur without increasing the number of stories or increasing the horizontal projection of the first story roof.

6. In existing buildings for new occupancies as required by other sections of the Fire Code.

3124.9. AMENDMENT.

Section O101.2 of the California Fire Code is amended to read as follows:

O101.2 Permits. An operational permit shall be required for haunted houses, ghost walks, or similar amusement uses in accordance with Appendix O101.2.

EXCEPTION: Haunted houses, ghost walks, or similar amusement uses in Group R-3 occupancies.”

SECTION 4. Division 4, Part 2, Chapter 1 of Article III of the Arcadia Municipal Code is hereby amended by amending Sections 3124.10, 3124.11, 3124.12, 3124.13, and 3124.14 and adding Sections 3124.15 and 3124.16 to read in their entirety as follows:

“3124.10. ADDITION.

Section 5608.2 is added to Chapter 56 of the California Fire Code to read as follows due to local climatic conditions:

5608.2. FIREWORKS PROHIBITED. No person shall sell, display for sale, possess, store, or manufacture, use, light, fire, discharge, explode or set off any fireworks, including "Safe and Sane" fireworks anywhere within the City, except as allowed by the Fire Chief.

3124.11. ADDITION.

Section 6112 is hereby added to the California Fire Code to read as follows: The use of liquefied petroleum gas for emergency power generation for Group R-3 occupancies located in the Wildland-Urban Interface area shall comply with the following:

1. All individual containers shall be a maximum size of 500-gallon (1893 L) water capacity. Multiple container systems shall not exceed 500-gallons (1893 L) in aggregate quantity.

2. A minimum 10-foot setback shall be maintained between the tank and all buildings in perpetuity. All future developments on the property shall be subject to this requirement.
3. Signage shall be provided on the tank indicating its contents and warning of "NO SMOKING WITHIN 25 FEET".
4. Weeds, grass, brush, trash, and other combustible materials shall be kept a minimum of 10 feet from the tank.
5. A minimum 6A:80BC fire extinguisher shall be provided within 50 feet of the tank. It shall be the applicant's responsibility to have the fire extinguisher serviced by a qualified contractor on an annual basis.
6. During refueling, the LP tank vehicle shall not be left unattended at any time.

3124.12. ADDITION [ADMINISTRATIVE].

Section 105.1.7 is added to the California Fire Code to read as follows:

When the application for a permit under this section is filed, a non-refundable fee as adopted by City Council Resolution shall be paid for the purpose of recovering the cost of services provided.

3124.13. DELETION [ADMINISTRATIVE].

Section 103 is hereby deleted from the California Fire Code without replacement.

3124.14. ADDITION [ADMINISTRATIVE].

Section 104.13 is added to the California Fire Code to read as follows:

104.13. COST RECOVERY. Where an emergency situation is caused or exacerbated by a willful act, a negligent act, or a violation of the Fire Code, Building Code, or any other applicable law, ordinance or regulation, the cost of mitigating and

securing any emergency that is within the responsibility of the Fire Chief is a charge against the person who caused the emergency or who caused the circumstances leading to the creation of the emergency. Damages and expenses incurred by any public agency providing mutual aid shall constitute a debt of such person and shall be collectible by the Fire Chief for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to mitigate or secure the emergency, monitor remediation, and clean up.

SECTION 5. Division 5, Part 2, Chapter 1 of Article III of the Arcadia Municipal Code is hereby amended by amending Sections 3125 and 3125.1 to read in their entirety as follows:

“DIVISION 5. - APPEALS AND PERMITS

3125. AMENDMENT [ADMINISTRATIVE].

Section 111 of the California Fire Code is amended to read as follows:

Appeals. Whenever the Chief disapproves an application or refuses to grant a permit, the applicant may appeal from the decision of the Chief to the City of Arcadia Building/Fire Code Appeals Board within thirty (30) days from the date of the decision being appealed.

3125.1. AMENDMENT [ADMINISTRATIVE].

Section 111 of the California Fire Code is amended by adding the following paragraph:

Appeals Procedure. The City of Arcadia Building/Fire Code Appeals Board shall not consider any such appeal unless the matter has come to the attention of the Chief and he has rendered a decision in writing. Any appeal to the board shall be made by the affected person or his agent in writing in the form and manner as prescribed by the Chief and as specified in Arcadia Municipal Code section 8130.2.”

SECTION 6. Parts 4 and 5 of Chapter 1 of Article III of the Arcadia Municipal Code are hereby amended in their entirety to read as follows:

“PART 3. - WILDLAND-URBAN INTERFACE FIRE AREA

3130. CREATION

The City shall designate areas within the City boundaries that are at a significant risk from wildland fires. Such areas shall be designated Wildland-Urban Interface Areas.

3130.1. WILDLAND-URBAN INTERFACE FIRE AREA BOUNDARIES.

The boundaries of the Wildland-Urban Interface Area shall be the same as the Very High Fire Hazard Severity Map as produced by the California Department of Forestry and Fire Protection.

PART 4. - SPECIAL REGULATIONS DIVISION 1.

FLAMMABLE AND EXPLOSIVE MATERIAL

3141. STORAGE OF FLAMMABLE LIQUIDS.

Storage of flammable liquids in outside aboveground tanks is prohibited within the boundaries of the City as the same now exist or as the same may at any time hereafter exist. Aboveground tanks may be permitted on a case by case basis with approval of the Chief.

3141.1. NEW BULK PLANTS PROHIBITED.

The limits in which new bulk storage of liquefied petroleum gas is restricted are established as the boundaries of the City.

3141.2. SAME.

All real property which has been or may hereafter be classified as, changed to or placed in Zones R-M, R-O, R-1, R-2 or R-3 shall be limited to the storage of a maximum of the equivalent to ten (10) gallons of water capacity outdoors and five (5) gallons of water capacity in either free standing or attached accessory structures.

3141.3. SAME. EXCEPTIONS.

- 1) Individual containers with a 500-gallon water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons, used exclusively for emergency power generation and serving occupancies in Group R-3.
- 2) The City Council may, upon written application, and after receipt of the report and recommendation of the Chief, after finding upon the evidence received that the public health, safety and welfare will not be jeopardized, alter the limits fixed by any of the preceding section.

3142. HAZARDOUS MATERIALS ABATEMENT.

Clean up or abatement; liability for cost.

3142.1. SAME.

The Fire Department is authorized to abate or cause to be cleaned up the effects of any hazardous material deposited upon or into any property or facilities in the City; and any such person or persons responsible for such property or who intentionally, negligently or otherwise caused such deposit shall be liable for the payment of all such

cost incurred by the Fire Department as a result of such cleanup or abatement activity. The remedy provided by this part shall be in addition to any other remedies provided by law.

3142.2. SAME.

For the purposes of this part, "Hazardous Materials" shall be defined as any substance or materials in a quantity or form which, in the determination of the Fire Chief or his authorized representative, poses an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, unstable or toxic materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, pesticides, flammables and corrosives.

3142.3. SAME.

For purposes of this part, cost incurred by the Fire Department shall include, but shall not necessarily be limited to the following: actual labor costs of City personnel, including workers compensation benefits, fringe benefits, administrative overhead, cost of equipment operations, cost of materials obtained directly by the City and cost of any contract labor, equipment and materials as necessary to clean up and abate the hazard.

3142.4. SAME.

The authority to recover costs under this part shall not include actual fire suppression services which are normally or usually provided by the Fire Department."

SECTION 7. The City Council finds that it can be seen with certainty that adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from California Environmental Quality Act pursuant to Section

15061(b)(3) of the CEQA Guidelines. City staff is directed to file a notice of exemption within five (5) days of the adoption of this Ordinance.

SECTION 8. Transmittal. The Building Official shall transmit a copy of this Ordinance to the California Building Standards Commission, pursuant to Health and Safety Code Section 17958.7.

SECTION 9. Recession. All former ordinances or parts conflicting or inconsistent with the provisions of this Ordinance or of the codes adopted by this Ordinance and any other ordinance in conflict herewith are hereby repealed.

SECTION 10. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 11. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 12. The City Clerk shall certify to the adoption of the Ordinance and shall cause a copy of same or summary thereof to be published in the official newspaper of said City within fifteen (15) days after its adoption.

[SIGNATURES ON THE NEXT PAGE]

Passed, approved and adopted this 15th day of November, 2022.

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/s/ Tom Beck
Mayor of the City of Arcadia

ATTEST:

/s/ Gene Glasco
City Clerk

APPROVED AS TO FORM:

/s/ Stephen P. Deitsch
Stephen P. Deitsch
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF ARCADIA)

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Ordinance No. 2395 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at an adjourned regular meeting of said Council held on the 15th day of November, 2022 and that said Ordinance was adopted by the following vote, to wit:

AYES: Danielson, Tay, Verlato, Cheng, and Beck

NOES: None

ABSENT: None

/s/ Gene Glasco
City Clerk of the City of Arcadia

EXHIBIT "A"

FINDINGS OF FACT

Pursuant to the 2022 Edition of the California Fire Code Preface, the report contained herein shall be submitted as the Findings of Fact document with regard to Article III of the City of Arcadia Municipal Code, Ordinance No. 2395, as adopted by the City of Arcadia. Under this adopting Ordinance specific amendments have been established, which are more restrictive in nature than those sections adopted by the California Building Standards Code.

The amendments to the California Fire Code, 2022 Edition have been recognized by the City of Arcadia to address the fire problem(s), concern(s) and future direction(s) by which this City can establish and maintain an environment, which will afford a level of fire and life safety to its citizens and guests.

Under the provisions of California Fire Code Preface, local amendments shall be based on climatic, geographical or topographical conditions. The Findings of Facts contained herein shall address each of these situations and shall present the local situation, which singularly or in combination cause the established amendments to be adopted.

Climatic: The City of Arcadia is located in the County of Los Angeles, and is subject to long periods of dry, hot and windy climates, which increase the chance of a fire occurring and predispose the City to large destructive fires. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in moderate density housing or vegetation. These fires spread very quickly and create a need for increased levels for fire prevention and protection.

Geographical: The geographic layout and contours of the City of Arcadia create barriers for accessibility for fire suppression forces. Due to the City's close proximity to major fault lines, there is a significant possibility for multiple fires spreading out of control due to ruptured gas lines and multiple structural collapses. Because of the major earthquake hazard, and due to some older nonconforming buildings, it is necessary during the new construction or building renovation to use the City ordinance to control and minimize conditions hazardous to life and property, which may result from fire, hazardous materials or an explosion.

Topographical: The water supply (domestic and fire flow) system within the City is directly affected by the topographical layout of Arcadia. The distribution system consists of high-low pressure and gravity systems zones, which carry the water from various reservoirs and storage tanks to different zones via water pipes. These street mains consist of high-pressure lines and low pressure lines where the pressure and flows are adequate in most of the areas of the city. There are certain areas in the southern portion of the City with static pressures of 40 psi, and in the northern portion as low as 20 psi. This variation of pressure causes major problems to development, as well as fire suppression forces.

As a result of the Findings of Fact, which identified the various climatic, geographical, and topographical elements, the requirements established by the City of Arcadia Fire Department within the adopted Ordinance No. 2395 are considered reasonable and necessary modifications to the California Fire Code based upon local conditions.

While it is clearly understood that the adoption of such regulations may not prevent the incidents of fire, it is further noted that with the implementation of these various regulations and/or requirements it may serve to reduce the severity and potential loss of life and property.

The City of Arcadia Fire Department submits these Findings of Fact and request acceptance of these as defined in the California Fire Code Preface.

Prepared and submitted by: Mark Krikorian, Fire Marshal