

ORDINANCE NO. 1421

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA AMENDING CHAPTER 8, ARTICLE II, SECTION 8-16 REPEALING SECTIONS 8-17 OF THE BANNING ORDINANCE CODE ADOPTING THE 2010 CALIFORNIA FIRE CODE IN ITS ENTIRETY FOR 1) REGULATING AND GOVERNING THE SAFEGUARD OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS [ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES] AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF BANNING, AND 2) PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFOR.

WHEREAS, the California Fire Code contains regulations consistent with nationally recognized accepted practices for safeguarding, to a reasonable degree, life and property from the hazards of (i) fire and explosion, (ii) dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and (iii) hazardous conditions in the use or occupancy of buildings or premises; and

WHEREAS, the City of Banning has historically adopted and followed the most current standards set forth in California Fire Code (the "Fire Code"); and

WHEREAS, the California Fire Code was recently updated to a 2010 Edition

NOW THEREFORE BE IT HEREBY ORDAINED, that an Ordinance of the City of Banning adopting the 2010 Edition of the California Fire Code in its entirety to be referred to as the Fire Code of the City of Banning, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Banning providing for the issuance of permits and collection of fees. The above-referenced codes are adopted in their entirety as amended herein below.

Section 1. REPEALS.

- (1) Banning Fire Services Ordinance No. 1380 is hereby repealed in its entirety and fully replaced by this ordinance, as amended

Section 2. FINDINGS AND ADOPTION OF THE INTERNATIONAL AND STATE CODES.

A. FINDINGS. The City Council of the City of Banning hereby finds as follows:

- (1) That the International Code Council is a private organization which has been in existence for at least three (3) years.
- (2) That California Fire Code, California Building Code, California Mechanical Code, California Plumbing Code, and California Electrical Code 2010

Edition, and the California Fire Code Standards published by International Code Council, are nationally recognized compilations of proposed rules, regulations, and standards of said organization the California Fire Code, 2010 Edition, and the California Fire Code Standards published by International Code Council, are nationally recognized compilations of proposed rules, regulations, and standards of said organization.

- (3) That the International Fire Code has been printed and published as a code in book form within the meaning of Section 50022.2 et seq., of the California Government Code and said code has been adopted and amended by the California Building Standards Commission into the California Code of Regulations (CCR) as Title 24 Part 9, Title 24 Part 2 , Title 24 Part 3, Title 24 Part 5, and Title 24 Part 3 titled the California Fire Code, California Building Code, California Mechanical Code, California Plumbing Code, and California Electrical Code 2010 Edition.
- (4) That one (1) copy of each of the following codes has been certified by the Clerk of the Board of Supervisors to be true copy, and has been filed for use and examination by the public in the office of the Clerk of the board of Supervisors prior to the adoption of this ordinance: the California Fire Code (and Standards).
- (5) That the sections of the California Fire Code and California Fire Code Standards may be referred to by the same number used in said published compilation preceded by the words "City of Banning Fire Code Section" or "International Fire Code Section" or "Fire Code Section."
- (6) That added protection from new development is necessary to supplement normal Fire Department response resources available in areas impacted by new development to provide immediate fire protection for life and safety of single family residential and multiple occupancy occupants during fire occurrence. The additional requirements and standards herein, including, but not limited to, enhanced on-site protection of property and occupants, are necessary to properly protect the health, safety, and welfare of the existing and future residents and workers of the City of Banning based upon the following:
 - (a) Climatic Conditions: Generally, the City of Banning has an arid climate. Annual rainfall averages about 15 inches. Hot, strong, dry Santa Ana winds are common to areas within the City. These winds constitute a contributing factor that causes small fires originating in high density development presently being constructed in the City of Banning that spread quickly and create the need for an increased level of fire protection. This added protection, including, but not limited to, on-site protection, will supplement normal Fire Department response available in new development,

and provide immediate fire protection for life and safety of multiple occupancy occupants during fire occurrence;

(b) Geologic and Topographic:

1. The City of Banning includes mountainous, brush covered wildlands, and agricultural lands. Elevation ranges from twenty-two hundred (2200) feet above sea level to over six thousand (6000) feet high. Topography extends from flat to 25% slope for habitable land. Travel distances in rural and wildland areas often place Fire Department response times to emergencies at risk. This condition makes the need for enhanced on-site protection for property occupants necessary.
2. Traffic and circulation in urban areas are an impetus to extreme travel distances in rural and wild land areas, often increasing Fire Department response time to emergencies, thus increasing risk to life and property, thus creating a need for enhanced on-site protection.
3. There s a major earthquake fault that bisects the City, the San Andreas. In addition, there are numerous minor faults. There are numerous areas within the City that are subject to earthquakes, landslides, wind erosion, blown sand, flooding, and wildfires. Placement of multiple occupancy buildings, location of arterial roads, and Fire Department staffing constraints due to revenue limiting State legislation, have made it difficult for the Fire Department to locate additional fire stations and provide staffing sufficient to concentrate fire companies and personnel to control fires in single and multi-story retail, commercial and industrial buildings, making enhanced built-in protection necessary.

B. ADOPTION OF INTERNATIONAL AND STATE FIRE CODES.

The City Council of the City of Banning hereby adopts as amended, revised and supplemented: 1) the California Fire Code edition 2010 California Code of Regulations Title 24 Part 9, and Part 2 in its entirety. The provisions of the above referenced codes, standards and appendices shall apply to all the unincorporated areas of the City of Banning, and shall apply to incorporated areas of City of Banning through ratification.

The provisions of the above-referenced codes, chapters, standards, and appendices adopted shall include any amendments, revisions, and supplements made subsequent to the adoption of this ordinance.

Section 3. AMENDMENTS TO THE CALIFORNIA FIRE

The Codes, Chapters, Standards and Appendices are amended as specifically set forth in the following Chapters herein:

CHAPTER 1 APPENDIX ADMINISTRATION PERMITS – page x

CHAPTER 2 DEFINITIONS – page x

CHAPTER 4 EMERGENCY PLANNING AND PARPARDNESS – x

CHAPTER 5 FIRE SERVICE FEATURES – page x

CHAPTER 6 BUILDING SERVICES AND SYSTEMS – page x

CHAPTER 9 FIRE PROTECTION SYSTEM – page x

CHAPTER 22 MOTOR FUEL DISPENSING FACILITIES– page x

CHAPTER 23 HIGH PILED COMBUSTIBLE STORAGE – page x

CHAPTER 25 TIRE REBUILDING AND TIRE STORAGE – page x

CHAPTER 35 FLAMMABLE GASES – page x

CHAPTER 38 LIQUIDIFIED PETROLEUM GASES – page x

CHAPTER 49 REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

APPENDICIED – page x

PENALTIES – page x

CHAPTER 1 ADMINISTRATION PERMITS.

Section 101.4 of the California Fire Code is hereby amended to read as follows:

Section 101.4. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being expressly declared that this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

Section 103.4 of the California Fire Code is hereby amended to read as follows:

Section 103.4. LIABILITY.

Any liability against the City of Banning or any officer or employee shall be as provided for in California Government Code and case law.

Fire suppression, investigation and rescue or emergency medical costs are recoverable in accordance with California Health and Safety Code Sections 13009 and 13009.1.

Any person who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to, a traffic accident or spill of toxic or flammable fluids or chemicals, is liable for the costs of securing such emergency, including those costs set out in Government Code Section 53150, et seq. Any expense incurred by the fire

department for securing such an emergency situation shall constitute a debt of such person and shall be collectable by the City of Banning or political subdivision thereof if incorporated, in the same manner as in the case of an obligation under contract, expressed or implied.

Section 104.1 of the California Fire Code is hereby amended at the end of existing paragraph to add the following:

Section 104.1. AUTHORITY OF THE FIRE CHIEF AND THE FIRE DEPARTMENT.

The chief is authorized to administer, interpret and enforce the California Fire Code. Under the chief's direction, the Riverside County Fire Department is authorized to enforce all ordinances of the City of Banning pertaining to:

- (1) The prevention of fires.
- (2) The suppression or extinguishment of dangerous or hazardous fires.
- (3) The storage, use and handling of hazardous materials.
- (4) The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.
- (5) The maintenance and regulation of fire escapes.
- (6) The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction.
- (7) The maintenance of means of egress.
- (8) The investigation of the cause, origin and circumstance of fire and unauthorized releases of hazardous materials.

Section 104.2.1 of the California Fire Code is hereby added to read as follows:

Section 104.2.1. INSPECTION AND PERMIT FEES.

A fee shall be charged for each inspection and permit issued. The fee schedule shall be established by the City Council and reviewed annually.

Section 104.3 of the California Fire Code is hereby amended to add as follows:

Section 104.3. FIRE DEPARTMENT PERSONNEL AND PEACE OFFICERS.

- (1) The chief and his or her designees are authorized and directed to enforce all

applicable State fire laws and the provisions of this code and he shall perform such related duties as may be fixed by the City Council, and for such purposes, he or she shall have the power of a peace officer.

- (2) The Chief is authorized to administer, interpret and enforce this code. Under the Chief's direction, the fire department is authorized to enforce all ordinances of jurisdiction pertaining to:
 - a) The prevention of fires
 - b) The suppression or extinguishment of dangerous materials
 - c) The storage, use and handling of hazardous materials
 - d) The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment
 - e) The maintenance and regulation of fire escapes
 - f) The maintenance of fire protection and elimination of fire hazards on land and in buildings, structures and other property, including those under construction.
 - g) The maintenance of means of egress
 - h) The investigation of the cause, origin and circumstance of fire and unauthorized release of hazardous materials.
- (3) The following persons are hereby authorized to interpret and enforce the provisions of this Code and to make arrests and issue citations as authorized by law:
 1. The Unit Chief and peace officers and public officers of the California Department of Forestry and Fire Protection.
 2. The Fire Chief, Peace Officers and Public Officers of the Riverside County Fire Department.
 3. The Riverside County Sheriff and any Deputy Sheriff.
 4. The Police Chief and any Police Officer of any city served by the County Fire Department.
 5. Officers of the California Highway Patrol.
 6. Peace Officers of the California Department of Parks and Recreation.
 7. The law enforcement officers of the Federal Bureau of Land Management.

Section 104.6.5 of the California Fire Code is hereby amended to read as follows:

Section 104.6.5. Records and Reports

Requests for copies of public and legal documents, photographs, etc., relating to department activities are available as authorized by law through the Fire Department's Custodian of Records. All document requests shall be in writing, accompanied by a check made payable to the Riverside County Fire Department, in the amount(s) set forth in Section 104.2.1

Section 105.5.6.30. of the California Fire Code is hereby amended to read as follows:

105.6.30 an operational permit

Shall be required for the kindling or maintaining of an open fire or a fire on any public street, alley, road or other public or private ground. In instructions and stipulations of the permit shall be adhered to.

Exception: Recreational fires

Section 109.4. AUTHORITY OF THE FIRE CHIEF.

The chief is hereby given the authority to officially determine and publicly announce the closure of any hazardous fire area or portion thereof. However, any closure by the chief for a period of more than fifteen (15) days must be approved by the City of Banning Council within fifteen (15) days of the chief's original order of closure. No person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas therein, during such time as the area is closed to entry. This section shall not prohibit residents or owners of private property within any closure area, or their invitees, from going in or being upon their lands. This section does not apply to any entry, in the course of duty by a peace officer or any duly authorized public officer, member of any fire department, Riverside County Fire Department or member of the U.S. Forest Service or California Department of Forestry and Fire Protection nor does this section apply to National Forest Land in any respect. During periods of closure, the chief shall erect and maintain at all entrances to the closed area sufficient signs giving adequate notice of closure.

CHAPTER 2 DEFINITIONS.

Section 202 of the California Fire Code is hereby amended to add the following to the list of definitions:

FIRE CHIEF or CHIEF shall mean the Fire Chief of the County of Riverside or his authorized representative.

HAZARDOUS FIRE AREA is land other than State designated fire hazard severity zone of FHSZ or local designation of FHSZ which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion.

CHAPTER 3 GENERAL PRECAUTIONS AGAINST FIRE is adopted in its entirety with out amendments or deletions.

CHAPTER 4 EMERGENCY PLANNING AND PREPAREDNESS.

Section 404 of the California Fire Code is hereby amended to add:

Section 404.2. #14 Fire Safety and Evacuation Plans.

An approved fire safety and evacuation plan shall be prepared and maintained for the following occupancies and buildings:

15. Windowless buildings having an occupant load of 15 or more.

CHAPTER 5 FIRE SERVICE FEATURE.

Section 501.2 of the California Fire Code is hereby amended to add:

501.2 Timing of Installation

Fire apparatus access roads and a permanent water supply for fire protection shall be installed and made serviceable prior to and during the time of construction. Temporary street signs shall be installed at each intersection when construction of new roadways allows passage by vehicles in accordance with section 505.2 herein below.

Exception: When alternative methods are approved by the Chief.

Section 503.1 of the California Fire Code is hereby amended to add:

503.1 Where Required.

Fire apparatus access roads shall be provided and maintained in accordance with Section 503.1.1 through 503.1.3 set forth hereinbelow. The Riverside County Fire Department shall be the only authority authorized to designate fire lanes.

Section 503.3 of the California Fire Code is hereby amended to add:

503.2 Fire apparatus access roads

Where required, shall be identified by curbs painted red on both the top and face along the entire length of the fire apparatus access road. Where no curb exists or a rolled curb is installed, a 6 inch wide red strip or approved posted signs applied the full length of the fire apparatus access road shall be installed. (See Riverside County Fire Department standard that is incorporated herein by reference).

Exception: On school grounds this requirement shall be implemented as approved by the Chief.

503.4 Obstructions of Fire Apparatus access roads.

When other obstructions are installed that cause the distances from an approved fire department access road to exceed the maximum distance allowed in Section 503 herein, the Fire Chief is authorized to require additional fire protection as specified in Section 901.4.3 herein.

Section 503.7 of the California Fire Code is hereby added:

503.7 Loading areas and passage drop-off areas.

On private properties, where fire apparatus access roads are utilized for loading or unloading or are utilized for passenger drop-off or pick-up, an additional eight (8) feet of width shall be added to the fire apparatus access road. This width is in addition to the minimum required access road width.

Section 504.1 Required access:

504.1 shall be further amended by adding the following paragraph at the end of the first paragraph:

“Finished grade to be flat and accessible on all sides of the building where ground ladder access is the only means to reach the highest point on the building from the exterior. Distance from building for finish grade shall be flat as required by the Fire Chief. Obstructions will not be placed as to interfere with ground ladder placement.”

Section 505.4 of the California Fire Code is hereby amended to add:

Sections 510.4 of the California Fire Code are hereby added:

510.4 Radio Coverage.

Except as otherwise provided in this article, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done which fails to support adequate voice and/or data radio coverage for any emergency response personnel within the structure or the area immediately surrounding the structure or building. A final inspection shall not be approved for any building or structure that fails to comply with this requirement.

5110.4.2 When required by the Fire Chief, approved radios, repeaters, relays, signal amplifiers, antennas, coaxial cables, passive signal conductors, conduits and access, secondary power source and other equipment as determined shall be provided within buildings to ensure emergency response personnel radio and data communications to and from surrounding buildings and structures and emergency communications centers (see Fire Department Standards).

Section 510.5 of the California Fire Code is hereby added as follows:

513.5 Scope

510.5 The provisions of this article shall apply to any new residential or commercial buildings or structures or any commercial tenant improvements that affect more than twenty five percent (25%) of the square footage of the existing building or structure, that are determined to be within Riverside County Fire Department established marginal or non-existent radio coverage areas. Any construction as defined above will be subject to review by the Riverside County Fire Department Planning and/or Communications Division and the developer and/or building owner may be responsible for improving Fire Department communications in the affected area. Any construction performed in these areas will be subject to the addition of new communications facilities, if needed, and/or the addition of public safety radio system enhancement equipment in the building, to enhance radio coverage to and from existing communications facilities (see Fire Department Standards).

Section 510.5.1 of the California Fire Code is hereby amended to add:

510.5.1 At the time the building permit is issued, the Riverside County Fire Department's Communication and Technology units, in cooperation with appropriate fire and law enforcement departments, shall determine the frequency range or ranges that must be supported. For the purpose of this section, adequate radio coverage shall constitute a successful communications test between the building and the communications centers for all appropriate emergency service providers for the building.

Section 511 of the California Fire Code is hereby amended to add new section:

511 Fire Department Breathing Apparatus Air Systems.

All buildings having floors used for human occupancy located five (5) stories or more above or below the lowest level of Fire Department vehicular access shall be equipped with an approved breathing apparatus air refilling system. Such system shall provide an adequate pressurized air supply through a permanent piping system for the replenishment of self contained breathing apparatus carried by fire suppression, rescue and other personnel in the performance of their duties. Location and specification of access stations, and the installation of such breathing apparatus air refilling system shall be made in accordance with the requirements and standards of the Fire Chief (see Fire Department Standards).

CHAPTER 6 BUILDING SERVICES AND SYSTEMS.

Section 606.8 of the California Fire Code is hereby amended as follows:

606.8 Machinery rooms that use refrigerant shall have a detector with audible and visual alarms. The alarm signaling devices shall comply with the audible and visual requirements from NFPA 72. The detector, or a sampling tube that draws air into the detector, shall be located in an area where a refrigerant leak may be expected to concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in the

California Mechanical Code for the refrigerant classification. Detectors and alarms shall be placed in one or more locations to insure maximum notification to all occupants.

Section 609.2 of the California Fire Code is hereby amended to add:

Added 609.2

Exception: Fire Stations where the use of the commercial appliance is by station personnel and not for the intention of a commercial cooking facility as defined by the California Mechanical Code.

CHAPTER 7 FIRE –RESISTIVE-RATED CONSTRUCTION shall be adopted in its entirety without amendments or deletions.

CHAPTER 8 INTERIOR FINISH, DECORATIVE MATERIALS AND FURNISHINGS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 9 FIRE PROTECTION SYSTEMS

Section 902.1 of the California Fire Code is hereby amended to add:

902.1 Common Area.

For the purposes of ADA compliance for visual notification, a common area shall be a room, space, or element made available for use of a restricted group of people (example, occupants of a homeless shelter, the occupants of an office building, or the guests of such occupants). Common areas shall include restrooms, hallways, lobbies, meeting and conference rooms, classrooms, cafeterias, filing and photocopy rooms, employee break rooms, open office areas exceeding 300 square feet, examination and treatment rooms, and similar areas that are not used solely as employee work areas. Mechanical, electrical and telephone closets, janitor closets, and similar non-occupied spaces that are not common areas or assigned work areas are not required to have visual alarm devices.

Section 903.2 of the California Fire Code is hereby amended as follows: All occupancies

In all new buildings and structures which are 3,600 sqft or greater an approved automatic sprinkler system shall be provided, regardless of occupancy classification. Where the code is requiring a more restrictive requirement, the more restrictive requirement shall take precedence. All exceptions for section 903 beginning at 903.2.1 and ending at 903.2.17 shall not be allowed except for the following sections: CFC 903.2.3.1.1, CFC 903.2.6 and 903.2.11.4.

Section 903.2.11.1.1 of the California Fire Code is hereby amended as follows:

Section 903.2.11.11.1 Opening dimensions and access

Opening dimension and access. Openings shall have a minimum dimension of not less than (delete 30) 36 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that the fire fighter or rescue cannot be accomplished from the exterior.

Section 908.3.1 of the California Fire Code and California Building Code is hereby added as follows:

908.3.1 Alarms.

The gas detection system shall initiate a local alarm and shall be monitored per NFPA 72. and transmit a signal to a constantly attended control station when a short-term hazard condition is detected. The alarm shall be both visible and audible and shall provide warning both inside and outside the area where gas is detected. The audible alarm shall be distinct from all other alarms.

Section 908.3.2 of the California Fire Code and California Building Code is hereby added as follows:

908.3.2 Shutoff of gas supply.

The gas detection system shall automatically close the shutoff valve at the source on gas supply piping and tubing related to the system being monitored for whichever gas is detected.

Exception: Automatic shutdown is not required for reactors utilized for the production of highly toxic or toxic compressed gases where such reactors are:

1. Operated at pressures less than 15 pounds per square inch gauge (psig)
(103.4 kPa)
Constantly attended.
3. Provided with readily accessible emergency shut-off valves.

Section 908.3.3 of the California Fire Code and California Building Code is hereby added as follows:

908.3.3 Valve closure. The automatic closure of shutoff valves shall be in accordance with the following:

1. When the gas-detection sampling point initiates the gas detection system alarm is within a gas cabinet exhausted enclosure, the shutoff valve in the gas cabinet or exhausted enclosure for the specific gas detected shall automatically close.

Where the gas-detection sampling point is initialing the gas detection system alarm is within a gas room and compressed gas containers are not in gas cabinets or exhausted enclosures, the shutoff valves on all gas lines for the specific gas detected shall automatically close.

3. Where the gas-detection sampling point initiating the gas detection system alarm is within a piping distribution manifold enclosure, the shutoff valve for the compressed container of specific gas detected supplying the manifold shall automatically close.

Exception: When the gas-detection sampling point initiating the gas detection system alarm is at a use location or within a gas valve enclosure of a branch line down-stream of a piping distribution manifold, the shutoff valve in the gas valve enclosure for the branch line located in the piping distribution manifold enclosure shall automatically close.

.Section 912.2.1 of the California Fire Code is hereby added:

912.2.1 Visible location.

Fire department connections shall be located on the front access side of buildings, fully visible and recognizable from the street or nearest point of Fire Department vehicle access or as otherwise approved by the Fire Chief. The location of Fire Department connections shall be approved and installed as follows:

1. Within 50 feet of an approved roadway or driveway and arranged so that hose lines can be readily attached to the inlets without interference from any nearby objects including buildings, fences, posts, plantings, or other Fire Department connections and/or otherwise approved by the Fire Chief.
2. Within 200 feet of an approved hydrant.
3. So that the inlet height shall not be less than 18 inches or more than 48 inches above grade.
4. Guard posts or other approved means may be required to protect Fire Department inlet connections from vehicular damage.

5. Fire Department connection shall not be allowed in the rear of any building.

Section 914.5 of the California Fire Code and California Building Code is hereby amended as follows:

914.5 Underground (insert “and Windowless buildings.”).

Underground and Windowless buildings shall comply with sections 914.5.1 through 914.5.6 herein, each section relating to Underground buildings shall also include Windowless buildings.

CHAPTER 10 MEANS OF EGRESS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 11 AVIATION FACILITIES shall be adopted in its entirety with out amendments or deletions.

CHAPTER 12 DRY CLEANING shall be adopted in its entirety with out amendments or deletions.

CHAPTER 13 COMBUSTIBLE DUST PRODUCING OPERATIONS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 14 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION shall be adopted in its entirety with out amendments or deletions.

CHAPTER 15 FLAMMABLE FINISHES shall be adopted in its entirety with out amendments or deletions.

CHAPTER 16 FRUIT AND CROP RIPENING shall be adopted in its entirety with out amendments or deletions.

CHAPTER 17 FUMIGATION AND THERMAL INSECTICIDAL FOGGING shall be adopted in its entirety with out amendments or deletions.

CHAPTER 18 SEMICONDUCTOR FABRICATION FACILITIES shall be adopted in its entirety with out amendments or deletions.

CHAPTER 19 LUMBER YARDS AND WOOD WORKING FACILITIES shall be adopted in its entirety with out amendments or deletions.

CHAPTER 20 MANUFACTURER OF ORGANIC COATINGS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 21 INDUSTRIAL OVENS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 22 MOTOR FUEL DISPENSING FACILITIES AND REPAIR GARAGES

2202.1 Definition of Motor Vehicle.

“Motor Vehicle” includes, but is not limited to, a vehicle, machine, tractor, trailer or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property. It does not include a vehicle, locomotive or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. The term “motor vehicle” also includes freight containers or cargo tank used, or intended for use, in connection with motor vehicles. (As per 49 CFR Pt. 171.8 (October 2002).)

Motor Vehicle, Unattended is defined as a motor vehicle where the driver cannot see the motor vehicle or hear noises in or near the motor vehicle.

Exceptions:

- (1) Necessary absence in connection with loading and unloading the motor vehicle.
- (2) Stops for meals during the day or night, if the point of parking is well lighted.
- (3) When in case of accident or emergency, the driver must leave to obtain assistance.

CHAPTER 23 HIGH PILED COMBUSTIBLE STORAGE

Section 2301.3 of the California Fire Code is hereby amended as follows:

2301.3 Construction documents:

(Add to item #7): location and classification of commodities in accordance with Section 2303 *and NFPA 13*.

Section 2304.2 of the California Fire Code is added with new paragraph:

2304.2.1 Minimum Requirements for Client Leased or Occupant Owned Warehouses.

Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible Fire Protection Engineer shall perform a survey of the building to determine commodity classification, storage configuration, building height and other information related to the

CHAPTER 23 HIGH PILED COMBUSTIBLE STORAGE

Section 2301.3 of the California Fire Code is hereby amended as follows:

2301.3 Construction Documents.

(Add to item #7): location and classification of commodities in accordance with Section 2303 and NFPA 13.

Section 2304.2.1 of the California Fire Code is added:

2304.2.1 Minimum Requirements for Client Leased or Occupant Owned Warehouses.

Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible Fire Protection Engineer shall perform a survey of the building to determine commodity classification, storage configuration, building height and other information related to the development of an appropriate sprinkler system design. The Engineer shall also make reasonable efforts to meet with the building owner or operator to understand seasonal or customer related fluctuations to the stored commodities, storage height, and configuration. The sprinkler design shall be based on the most demanding requirements determined through the onsite survey and discussions with the building owner or operator. The technical report shall clearly define the basis for determining the commodity and sprinkler design selection, along with how the commodities will be isolated or separated, and the referenced design document(s), including NFPA 13 or the current applicable Factory Mutual Data Sheets. If a specific fire test is used as the basis of design, a copy of the fire test report shall be provided at the time of plan review.

CHAPTER 24 TENTS AND OTHER MEMBRANE STRUCTURES shall be adopted in its entirety with out amendments or deletions.

CHAPTER 25 TIRE REBUILDING AND TIRE STORAGE shall be adopted in its entirety with out amendments or deletions.

CHAPTER 26 WELDING AND OTHER HOT WORK shall be adopted in its entirety with out amendments or deletions.

CHAPTER 27 HAZARDOUS MATERIALS-GENERAL PROVISIONS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 28 AEROSOLS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 29 COMBUSTIBLE FIBERS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 30 COMPRESSED GASES shall be adopted in its entirety with out amendments or deletions.

CHAPTER 31 CORROSIVE MATERIALS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 32 CRYOGENIC FLUIDS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 33 EXPLOSIVES AND FIREWORKS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 34 FLAMMABLE AND COMBUTIBLE GASES shall be adopted in its entirety with out amendments or deletions.

CHAPTER 35 FLAMABLE GASES shall be adopted in its entirety with out amendments or deletions.

CHAPTER 36 FLAMMABLE SOLIDS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 37 HIGHLY TOXIC AND TOXIC MATERIALS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 38 LIQUIFIED PETROLEUM GASES shall be adopted in its entirety with out amendments or deletions.

CHAPTER 39 ORGANIC PEROXIDES shall be adopted in its entirety with out amendments or deletions.

CHAPTER 40 OXIDIZERS,OXIDIZING GASES AND OXIDIZING CRYOGENIC FLUIDS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 41 PYROPHORIC MATERIALS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 42 PROXYLIN CELLULOSE NITRATE PLASTICS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 43 UNSTABLE REACTIVE MATERIALS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 44 WATER REACTIVE SOLIDS AND LIQUIDS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 45 MARINAS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 46 CONSTRUCTION REQUIRMENTS FOR EXISTING BUILDINGS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 47 REFERENCED STANDARDS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 48 MOTION PICTURE AND TELEVISION PRODUCTION STUDIO SOUND STAGES, APPROVED PRODUCTION FACILITES AND PRODUCTION LOCATIONS shall be adopted in its entirety with out amendments or deletions.

CHAPTER 49 REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

Section 4904 of the California Fire Code is hereby amended to add a new section 4904.3 to read as follows:

Section 4904.3. High Fire Hazard Severity Zone Maps.

The County of Riverside Board of Supervisors hereby designates Very High Fire Hazard Severity Zones as recommended by the Director of the California Department of Forestry and Fire Protection and pursuant to Government Code Sections 51175 through 51189, as designated on a map titled “Very High Fire Hazard Severity Zones in LRA”, dated __4/8/2010_, and retained on file at the Clerk of this Board, the office of the County and pursuant to Government Code Sections 51175 through 51189, as designated Fire Chief of Riverside County, the Office of the State Fire Marshal, and is more readily available at: http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones.php.

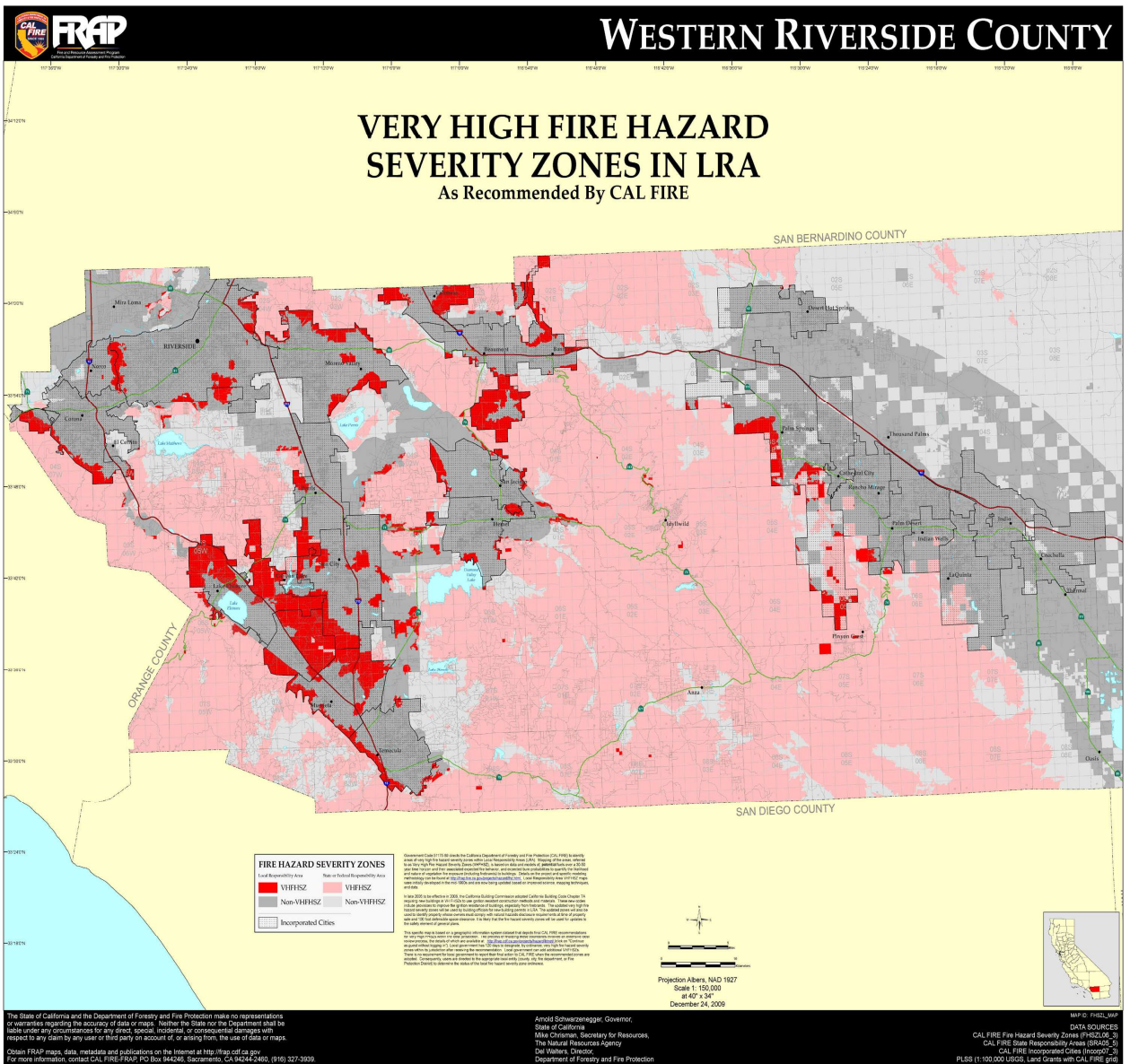
This map will supersede other maps previously adopted by the County of Riverside designating high fire hazard areas.’”

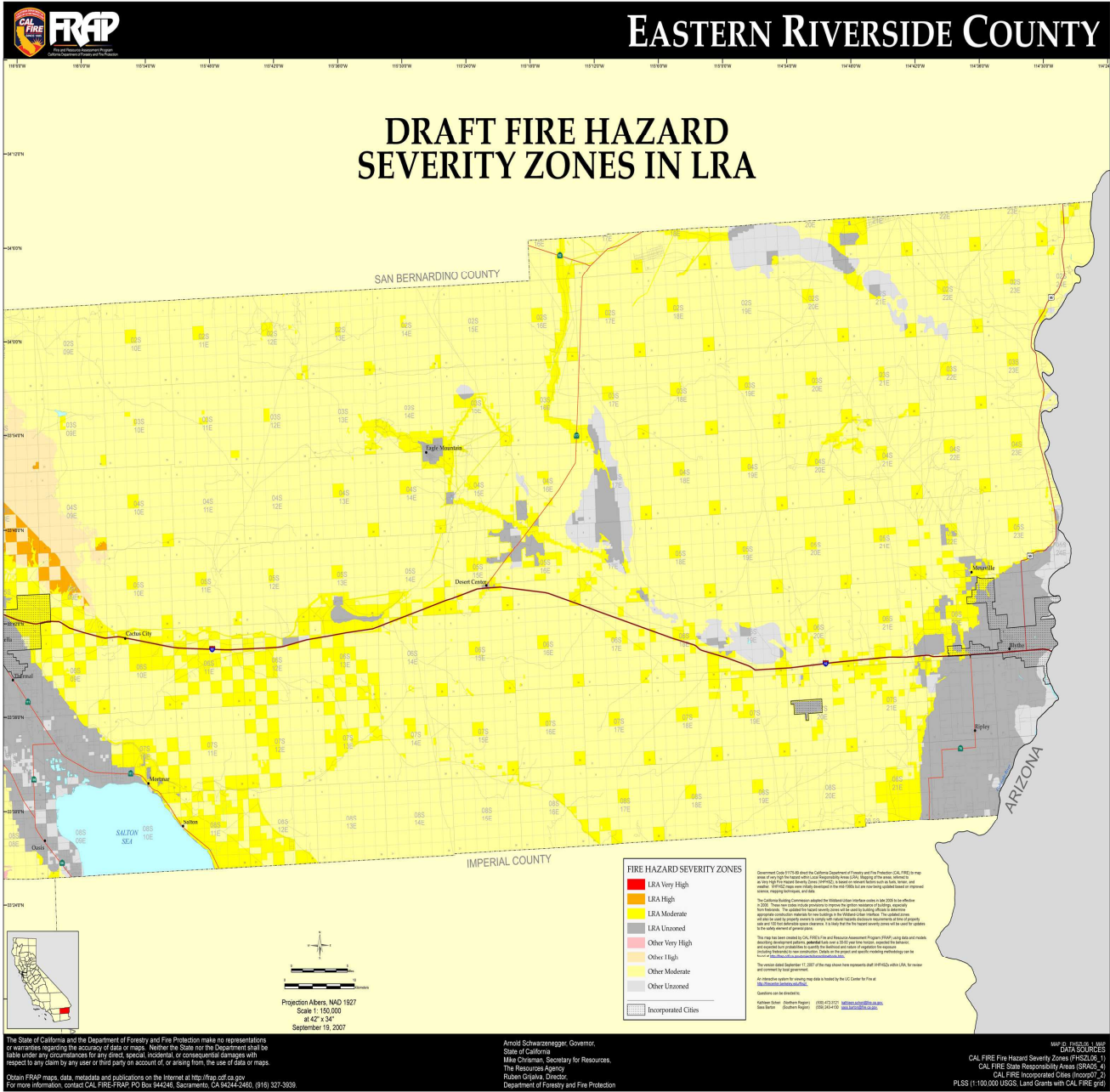
With in the designated land areas as adopted by the County of Riverside Board of Supervisors and in accordance with the Government Code Sections 51175 through 51189, and in accordance with section 104.3 the following shall apply when required: Per section 51182.(a) A person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by the local agency (Riverside County Fire Department) pursuant to Section 51179, shall at all times do all of the following:

- (1) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph
- (2) The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion.
- (3) A greater distance than that required under paragraph (1) may be required by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance, rule, or regulation includes findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.
- (4) An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under paragraph (1) if a fire expert, designated by the fire chief or fire official from the authority having jurisdiction, provides findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.
- (5) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.
- (6) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.

- (7) Maintain the roof of a structure free of leaves, needles, or other vegetative materials .
- (8) Prior to constructing a new dwelling or structure that will be occupied or rebuilding an occupied dwelling or occupied structure damaged by a fire in that zone, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification (approved building plan/job card) from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure. (b) A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property. (c) The Department of Forestry and Fire Protection shall develop, periodically update, and post on its Internet Web site a guidance document on fuels management pursuant to this chapter. Guidance shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species, minimize erosion, minimize water consumption, and permit trees near homes for shade, aesthetics, and habitat; and suggestions to minimize or eliminate the risk of flammability of non-vegetative sources of combustion such as woodpiles, propane tanks, decks, and outdoor lawn furniture.

See following maps for reference and contact the Riverside County Fire Department for further information.





APPENDICIES

All Appendices to the California Fire Code are adopted in their entirety except as follows:

Appendix Chapter 4 shall be adopted in its entirety with out amendments or deletions.

Appendix B

Section B- 105.2 exception first sentence

A reduction in required fire flow of up to 50 percent as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with section 903.3.1.1 or 903.3.1.2, of the California Fire Code.

Appendix BB shall be adopted in its entirety with out amendments or deletions.

APPENDICIES

Appendix C Table C105.1 Footnotes C.

Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, serving one and two-family residential developments, standard fire hydrants shall be provided at spacing not to exceed 1000 feet along the tract boundary for transportation hazards. When serving multi-family, commercial and industrial developments, super or enhanced fire hydrants as determined by the Fire Chief shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards.

Appendix CC shall be adopted in its entirety with out amendments or deletions.

APPENDIX D shall NOT be adopted or amended.

APPENDIX E shall be adopted in its entirety with out amendments or deletions.

APPENDIX F shall be adopted in its entirety with out amendments or deletions.

APPENDIX G shall be adopted in its entirety with out amendments or deletions.

APPENDIX H shall be adopted in its entirety with out amendments or deletions.

APPENDIX I shall NOT be adopted in its entirety or amended.

APPENDIX J shall be adopted in its entirety with out amendments or deletions.

-PENALTIES

Section 9 Penalties.

It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this ordinance, or to violate the provisions of any permit granted pursuant to this ordinance. Any person, firm, corporation or association of persons violating any provision of this ordinance or the provisions of any permit granted pursuant to this ordinance, shall be deemed guilty of an infraction or misdemeanor as herein after specified. Such person or entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance or the provisions of any permit granted pursuant to this ordinance, is committed, continued, or permitted.

Any person, firm, corporation or association of persons so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a first violation; (2) guilty of an infraction offense and punishable by a fine now exceeding three hundred dollars (\$300.00) for a second violation on the same site. The third and any additional violations on the same site shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person or entity from the responsibility for correcting the violation.

Section 3. Sections 8-17 of the Banning Ordinance Code is hereby repealed.

Section 4.

The Mayor shall sign this ordinance and the City Clerk shall attest thereto and shall within fifteen days of its adoption cause it, or a summary of it, to be published in the Record Gazette, a newspaper published and circulated in the City. Thereupon this ordinance shall take effect 30 days after adoption and be in force and effect according to law.

Section 5.

That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidance or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

PASSED, APPROVED AND ADOPTED this 14th day of December, 2010.

Barbara Hanna, Mayor

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

Dave Aleshire, City Attorney
Aleshire & Wynder, LLP

ATTEST:

Marie A. Calderon, City Clerk

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1421 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 9th day of November, 2010, and was duly adopted at a regular meeting of said City Council on the 14th day of December, 2010, by the following vote, to wit:

AYES: Councilmembers Franklin, Machisic, Robinson, Mayor Hanna
NOES: None
ABSENT: Councilmember Botts
ABSTAIN: None

Marie A. Calderon, City Clerk
City of Banning, California