

ORDINANCE NO. 1468

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA REPEALING CHAPTER 8.16 OF THE BANNING MUNICIPAL CODE AND ADOPTING THE 2013 CALIFORNIA FIRE CODE AS IT IS AMENDED IN THIS ORDINANCE 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 2013 Edition;

NOW THEREFORE BE IT HEREBY ORDAINED that an Ordinance of the City of Banning adopting the 2013 Edition of the California Fire Code in its entirety 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. FINDINGS IN SUPPORT OF ADOPTING THE INTERNATIONAL AND STATE CODES

The City Council of the City of Banning hereby finds as follows:

- (1) Every three years the State of California adopts a new California Fire Code, as part of the California Building Standards Code, which becomes effective as to the City of Banning 180 days after publication by the California Building Standards Commission.

- (2) The California Fire Code, California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code 2013 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) 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, California Building Code, California Mechanical Code, California Plumbing Code, and California Electrical Code 2013 Edition.
- (4) That one (1) copy of each of the California Fire Code and the California Code Standards, California Building Code, California Plumbing Code, California Mechanical Code, California Residential Code and California Electrical Code, has been certified by the City Clerk of the City of Banning to be a true copy, and has been filed for use and examination by the public in the office of the City Clerk of the City of Banning prior to the adoption of this ordinance.
- (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 for 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, and based thereon, Riverside County may establish more restrictive standards reasonably necessary to provide fire protection for life and property because of local climatic, geological or topographical conditions.
 - (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 (2,200) feet above sea level to over six thousand (6,000) 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 is a major earthquake fault, the San Andreas, which bisects the City. 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 to fire companies and personnel sufficient to control fires in single and multi-story retail, commercial and industrial buildings, making enhanced built-in protection necessary.

SECTION 2. ADOPTION OF INTERNATIONAL AND STATE FIRE CODES

Chapter 8.16 of the City of Banning's Municipal Code is hereby repealed in its entirety and fully replaced to read as follows:

“Chapter 8.16 FIRE PROTECTION CODE

- 8.16.010 Adoption of the international and state codes.
- 8.16.020 Amendments to California Fire Code
- 8.16.030 Full copy of codes; maintenance of codes
- 8.16.040 ‘Municipality’ defined
- 8.16.050 Penalties

Section 8.16.010 Adoption of the international and state codes.

The City Council of the City of Banning hereby adopts as amended, revised and supplemented the California Fire Code edition 2013 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 and to incorporated areas of the 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 8.16.020 Amendments to California Fire Code.

The codes, chapters, standards and appendices are amended as specifically set forth in the following chapters herein:

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 LIABILITIES

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.

GENERAL AUTHORITY AND RESPONSIBILITIES

Section 104.3.2 of the California Fire Code is hereby added to read as follows:

Section 104.3.2 AUTHORITY OF THE FIRE CHIEF AND FIRE DEPARTMENT

1. The Fire Chief is authorized and directed to enforce all applicable State fire laws and provisions of this ordinance and to perform such duties as directed by the Board of Supervisors.
2. The Fire Chief is authorized to administer, interpret and enforce this ordinance. Under the Fire Chief's direction, the Riverside County Fire Department is authorized to enforce ordinances of Riverside County pertaining to the following:
 - a. The prevention of fires.
 - b. The suppression or extinguishment of dangerous or hazardous fires.
 - 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 the elimination of fire hazards on land, 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 circumstances of fire and unauthorized releases of hazardous materials.
3. The following persons are hereby authorized to interpret and enforce the provisions of this ordinance and to make arrests and issue citations as authorized by law:
 - a. The Unit Chief, Peace Officers and Public Officers of the California Department of Forestry and Fire Protection.
 - b. The Fire Chief, Peace Officers and Public Officers of the Riverside County Fire Department.
 - c. The Riverside County Sheriff and any deputy sheriff.
 - d. The Police Chief and any Police Officer of any city served by the Riverside County Fire Department.
 - e. Officers of the California Highway Patrol.
 - f. Code Officers of the Riverside County Code Enforcement Department.
 - g. Peace Officers of the California Department of Parks and Recreation.
 - h. The law enforcement officer of the Federal Bureau of Land Management.

Section 104.6.5 of the California Fire Code is hereby added 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 City of Banning, in the amount(s) set forth in the City of Banning's municipal code.

Section 104.12 of the California Fire Code is hereby added to read as follows:

104.12 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 Council of Banning 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.

Section 113.6 of the California Fire Code is hereby added to read as follows:

Section 113.6 INSPECTION AND PERMIT FEES

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

CHAPTER 2. DEFINITIONS are adopted in its entirety with the following amendments:

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.

FIRE PROTECTION ENGINEER shall mean a professional engineer with the education and experience to understand the engineering problems related to safeguarding life and property from fire and fire-related hazards, to identify, evaluate, correct or prevent present or potential fire and fire related panic hazards in buildings, groups of buildings, or communities, and to recommend the arrangement and use of fire resistant building materials and fire detection and extinguishing systems, devices, and apparatus in order to protect life and property and be licensed in California.

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.

SKY LANTERN is an unmanned device that incorporates an open flame in order to make the device airborne

CHAPTER 3. GENERAL PRECAUTIONS AGAINST FIRE is adopted in its entirety with the following amendments:

Section 304.1.2.1 of the California Fire Code is hereby added to read as follows:

Section 304.1.2.1 FUEL MODIFICATION REQUIREMENTS FOR NEW CONSTRUCTION

All new buildings to be built or installed in areas containing combustible vegetation shall comply with the following:

1. Preliminary fuel modification plans shall be submitted to and approved by the Banning Fire Marshal's office concurrent with the submittal for approval of any tentative map.
2. Final fuel modification plans shall be submitted to and approved by the Banning Fire Marshal's office prior to the issuance of a grading permit.
3. The fuel modification plan shall meet the criteria set forth in the fuel modification policy of the Banning Fire Marshal's office guidelines.
4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall be approved by the Banning Fire Marshal's office.
5. All elements of the fuel modification shall be maintained in accordance with the California Fire Code.

Section 304.1.2.2 of the California Fire Code is hereby added to read as follows:

Section 304.1.2.2 UNUSUAL CIRCUMSTANCES

The Banning Fire Marshal's office may suspend enforcement of the vegetation management requirements and require reasonable alternative measures designed to advance the purpose of this code if determined that in any specific case any of the following conditions exist:

1. Difficult terrain
2. Danger of erosion

3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and County approved list of wildlife, plants, and rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees
5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions undesirable or impractical.

Section 304.1.2.3 of the California Fire Code is hereby added to read as follows:

Section 304.1.2.3 TRESPASSING ON POSTED PROPERTY

When the Fire Chief determines that a specific area within a hazardous fire area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until conditions warrant termination of closure. Such areas shall be posted as herein provided.

1. Signs. Approved signs prohibiting entry by unauthorized persons and referring to applicable fire code chapters shall be placed on every closed area.
2. Trespassing. Entering and remaining within areas closed and posted is prohibited. Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

Section 304.1.2.4 of the California Fire Code is hereby added to read as follows:

Section 304.1.2.4 OUTDOOR FIRES

Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas, except by permit from the Riverside County Fire Department.

Exception: Outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum 30 feet from a grass, grain, brush, or forest covered area. Permanent barbecues, portable barbecues, outdoor barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

Section 308.1.6.3 of the California Fire Code is hereby added to read as follows:

SECTION 308.1.6.3 SKY LANTERNS

No person shall release or cause to be released an untethered sky lantern

Section 309.7 of the California Fire Code is hereby added to read as follows:

309.7 SPILL CONTAINMENT

Each track of batteries or group of racks shall be provided with a liquid tight four (4) inch spill control barrier which extends at least one (1) inch beyond the battery rack or group of racks in all directions.

CHAPTER 4. EMERGENCY PLANNING AND PREPAREDNESS is adopted in its entirety with the following amendments:

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

Section 404.2 - #16 FIRE SAFETY AND EVACUATION PLANS

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

16. Windowless buildings having an occupant load of 50 or more.

CHAPTER 5. FIRE SERVICE FEATURE FIRE is adopted in its entirety with the following amendments:

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

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/permanent street signs shall be installed at each intersection when construction of new roadways allows passage by vehicles.

Exception: When alternative methods are approved by the Chief.

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

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 herein below. The Riverside County Fire Department shall be the only authority authorized to designate fire lanes.

Section 503.1.1 of the California Fire Code is amended to add the following exception:

Section 503.1.1 Exception 2

Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

Section 503.2.2 of the California Fire Code is amended to add the following exception:

Section 503.2.2 AUTHORITY

The Riverside County Fire Department shall be the only authority authorized to designate fire apparatus access roads and fire lanes as defined in Section 502. The fire code official shall have the authority to modify the minimum fire lane access widths where they are inadequate for fire or rescue operations.

Section 503.3 of the California Fire Code is deleted in its entirety and replaced with the following:

Section 503.3 MARKING

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 curbs exist or a rolled curb is installed, a six (6) inch wide red strip shall be applied the full length of the fire apparatus access road or approved posted signs shall be installed in accordance with the Riverside County Fire Department Standards.

Exception: On school grounds this requirement shall be implemented as approved by the fire code official.”

Section 503.2 of the California Fire Code is hereby amended to add as follows:

503.2 FIRE APPARATUS ACCESS ROADS

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.

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

Section 503.7 of the California Fire Code is hereby amended to add as follows:

Section 503.7 LOADING AREAS AND PASSENGER DROP-OFF AREAS

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

Section 504.1 of the California Fire Code is amended to add the following language to the end of the first paragraph:

Section 504.1 REQUIRED ACCESSES:

Where ground ladder access is the only means to reach the highest point on the building, the finished grade on all exterior sides of buildings shall be flat and free of any obstructions that would interfere with ground ladder placement. This distance from the building to finished grade shall be determined by the Fire Chief.

Section 505.1 of the California Fire Code shall be further amended to read as the follows:

505.1 PREMISES IDENTIFICATION

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where access is by means of private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Commercial, multi-family residential and industrial buildings shall have a minimum of twelve (12) inch numbers with suite numbers being a minimum of six (6) inches in size. All suites shall have a minimum of six (6) inch high letters and/or numbers on both front and rear doors. Single-family residences and multi-family residential units shall have four (4) inch letters and/or numbers, as approved by the fire code official.

Section 507.1 of the California Fire Code is hereby amended to add the following information at the end of the first paragraph:

507.1 REQUIRED WATER SUPPLY

An approved permanent water supply capable of supplying the required fire flow for fire protection shall be provided by the developer prior to the commencement of construction to all premises upon which buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Water supplies for fire protection and hydrants shall be in accordance with Appendix B and C.

Section 507.5.5 of the California Fire Code is amended to add the following language:

507.5.5 CLEAR SPACE AROUND HYDRANTS

A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, Fire Department connections, exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved.

Section 507.5.7 of the California Fire Code is hereby amended to add as follows:

507.5.7 FIRE HYDRANT SIZE AND OUTLETS

Fire hydrant size and outlets shall be required as determined by the fire code official.

- A. Residential Standard—one 4 inch outlet, and one 2 ½ inch outlet.
- B. Super Hydrant Standard—one 4 inch outlet, and two 2 ½ inch outlet.
- C. Super Hydrant Enhanced—two 4 inch outlet, and one 2 ½ inch outlet.

Fire hydrant locations shall be visually indicated with approved blue dot hydrant marker. Any hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer, or person responsible for the removal or damage.

CHAPTER 6. BUILDING SERVICES AND SYSTEMS is adopted in its entirety with the following amendments:

Section 606.10.1.2 of the California Fire Code is amended to read as follows:

606.10.1.2 MANUAL OPERATION

When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room, in a secure metal box or equivalent and marked as Emergency Controls.

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

Added 609.2 WHERE REQUIRED

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 without amendments or deletions.

CHAPTER 9. FIRE PROTECTION SYSTEMS is adopted in its entirety with the following amendments:

Section 903.2 of the California Fire Code is deleted in its entirety and replaced with the following:

Section 903.2 WHERE REQUIRED

In all new buildings and structures which are 3,600 square feet or greater an approved automatic sprinkler system shall be provided regardless of occupancy classification. Where the California Fire Code is requiring more restrictive requirements in Sections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.2, 903.2.3, 903.2.4, 903.2.5, 903.2.5.2, 903.2.6, 903.2.7, 903.2.8, 903.2.9, 903.2.10, 903.2.11.6, 903.2.16, 903.2.18, the more restrictive requirement shall take precedence. The following exceptions in the California Fire Code shall not be allowed:

- a. Exception in Section 903.2.3
- b. Exception in Section 903.2.6.2
- c. Exception in Section 903.2.8
- d. Exception in Section 903.2.11.3

One and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in mobile homes, manufactured homes and multi-family manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.

CHAPTER 10. MEANS OF EGRESS shall be adopted in its entirety without amendments or deletions.

CHAPTER 11. CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS shall only adopt the California State Fire Marshal's amendments.

CHAPTERS 12 THROUGH 19 ARE RESERVED

CHAPTER 20. AVIATION FACILITIES shall be adopted in its entirety without amendments or deletions.

CHAPTER 21. DRY CLEANING shall be adopted in its entirety without amendments or deletions.

CHAPTER 22. COMBUSTIBLE DUST-PRODUCING OPERATIONS shall be adopted in its entirety without amendments or deletions.

CHAPTER 23. MOTOR FUEL DISPENSING FACILITIES AND REPAIR GARAGES shall be adopted in its entirety without amendments or deletions.

CHAPTER 24. FLAMMABLE FINISHES shall be adopted in its entirety without amendments or deletions.

CHAPTER 25. FRUIT AND CROP RIPING shall be adopted in its entirety without amendments or deletions.

CHAPTER 26. FUMIGATION AND INSECTICIDAL FOGGING shall be adopted in its entirety without amendments or deletions.

CHAPTER 27. SEMICONDUCTOR FABRICATION FACILITIES shall be adopted in its entirety without amendments or deletions.

CHAPTER 28. LUMBER YARDS AND WOODWORKING FACILITIES shall be adopted in its entirety without amendments or deletions.

CHAPTER 29. MANUFACTURE OF ORGANIC COATINGS shall be adopted in its entirety without amendments or deletions.

CHAPTER 30. INDUSTRIAL OVENS shall be adopted in its entirety without amendments or deletions.

CHAPTER 31. TENTS AND OTHER MEMBRANE STRUCTURES shall be adopted in its entirety without amendments or deletions.

CHAPTER 32. HIGH-PILED COMBUSTIBLE STORAGE is adopted in its entirety with the following amendments:

Section 3204.2 of the California Fire Code is hereby added as follows:

3204.2.1 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 fire protection 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 describe the basis for determining the commodity and sprinkler design selection, how the commodities will be isolated or separated, and include 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 33. FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION shall be adopted in its entirety without amendments or deletions.

CHAPTER 34. TIRE REBUILDING AND TIRE STORAGE shall be adopted in its entirety without amendments or deletions.

CHAPTER 35. WELDING AND OTHER HOT WORK shall be adopted in its entirety without amendments or deletions.

CHAPTER 36. MARINAS shall be adopted in its entirety without amendments or deletions.

CHAPTERS 37 THROUGH 47 – RESERVED

CHAPTER 48. MOTION PICTURE AND TELEVISION PRODUCTION STUDIO SOUND STAGES, APPROVED REPRODUCTION FACILITIES AND PRODUCTION LOCATIONS shall be adopted in its entirety without amendments or deletions.

CHAPTER 49. REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS is adopted in its entirety with the following amendments:

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 by the 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.

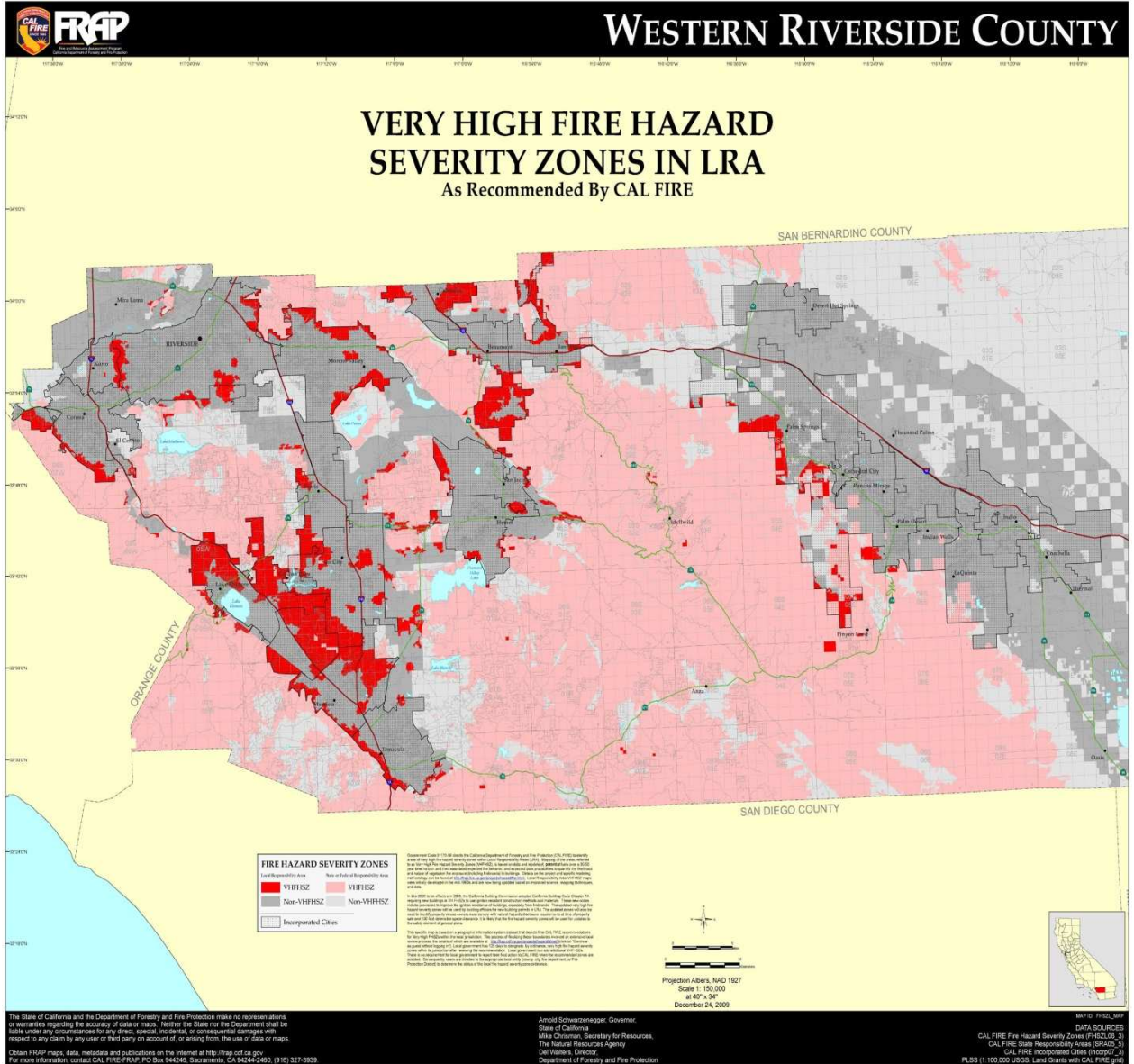
This map will supersede other maps previously adopted by the County of Riverside designating high fire hazard areas.

Within 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 following paragraphs.
- (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 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 website 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 the following maps for reference and contact the Riverside County Fire Department for further information.



CHAPTER 50. HAZARDOUS MATERIALS – GENERAL PROVISIONS shall be adopted in its entirety without amendments or deletions.

CHAPTER 51. AEROSOLS shall be adopted in its entirety without amendments or deletions.

CHAPTER 52. COMBUSTIBLE FIBERS shall be adopted in its entirety without amendments or deletions.

CHAPTER 53. COMPRESSED GASES shall be adopted in its entirety without amendments or deletions.

CHAPTER 54. CORROSIVE MATERIAL shall be adopted in its entirety without amendments or deletions.

CHAPTER 55. CRYOGENIC FLUIDS shall be adopted in its entirety without amendments or deletions.

CHAPTER 56. EXPLOSIVES AND FIREWORKS shall be adopted in its entirety without amendments or deletions.

CHAPTER 57. FLAMMABLE AND COMBUSTIBLE LIQUIDS shall be adopted in its entirety without amendments or deletions.

CHAPTER 58. FLAMMABLE GASES AND FLAMMABLE CRYOGENIC FLUIDS shall be adopted in its entirety without amendments or deletions.

CHAPTER 59. FLAMMABLE SOLIDS shall be adopted in its entirety without amendments or deletions.

CHAPTER 60. HIGHLY TOXIC AND TOXIC MATERIALS shall be adopted in its entirety without amendments or deletions.

CHAPTER 61. LIQUIFIED PETROLEUM GASES shall be adopted in its entirety without amendments or deletions.

CHAPTER 62. ORGANIC PEROXIDES shall be adopted in its entirety without amendments or deletions.

CHAPTER 63. OXIDIZERS, OXIDIZING GASES AND OXIDIZING CRYOGENIC FLUIDS shall be adopted in its entirety without amendments or deletions.

CHAPTER 64. PYROPHORIC MATERIALS shall be adopted in its entirety without amendments or deletions.

CHAPTER 65. PYROXYLIN (CELLULOSE NITRATE) PLASTICS shall be adopted in its entirety without amendments or deletions.

CHAPTER 66. UNSTABLE (REACTIVE) MATERIALS shall be adopted in its entirety without amendments or deletions.

CHAPTER 67. WATER-REACTIVE SOLIDS AND LIQUIDS shall be adopted in its entirety without amendments or deletions.

CHAPTERS 67 THROUGH 79 RESERVED

CHAPTER 80. REFERENCE AND STANDARDS shall be adopted in its entirety without amendments or deletions.

APPENDICES

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

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 NOT be adopted or amended.

APPENDIX C Fire hydrant locations are amended to read as follows:

Section C102.1

Fire hydrants shall be provided at street intersections and along required fire apparatus access roads and adjacent public streets. Fire hydrants used or installed for the frontage requirements as stated by Table C105.1 shall be on the building side of fire department access roads and adjacent public streets.

APPENDIX CC shall NOT be adopted or amended.

APPENDIX D shall NOT be adopted or amended.

APPENDIX E shall be adopted in its entirety without amendments or deletions.

APPENDIX F shall be adopted in its entirety without amendments or deletions.

APPENDIX G shall be adopted in its entirety without amendments or deletions.

APPENDIX H shall be adopted in its entirety without amendments or deletions.

APPENDIX I shall NOT be adopted or amended.

APPENDIX J shall NOT be adopted or amended.

APPENDIX K shall NOT be adopted or amended.

Section 8.16.030 Full copy of codes; maintenance of codes

One full copy of the state fire codes described in this chapter has been deposited in the office of the city clerk and shall be at all times maintained by the city clerk for use and examination by the public, excepting that one copy of the adopted codes may be kept in the office of the chief enforcement officer for such codes.

Section 8.16.040 'Municipality' defined

Wherever the word "municipality" is used in the fire prevention code adopted by this chapter, it means the city.

Section 8.16.050 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 hereinafter 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 not 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. FURTHER PROCESS FOR ADOPTION

After first reading, this ordinance shall be adopted pursuant to the procedures set forth in Government Code Section 50022.3. To wit, after the first reading of the title of the adopting ordinance and of the title of the code to be adopted hereby the City Clerk is directed to schedule a public hearing thereon. Notice of the hearing shall be published pursuant to Section 6066 in a newspaper of general circulation. The notice shall state the time and place of the hearing. It shall also state that copies of the codes being adopted by reference are on file with the Clerk and are open to public inspection. The notice shall also contain a description which the legislative body deems sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

SECTION 4. SEVERABILITY

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 11th day of February, 2014.

Deborah Franklin, Mayor
City of Banning

ATTEST:

Marie A. Calderon, City Clerk
City of Banning

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

Dave J. Aleshire, City Attorney
Aleshire & Wynder, LLP

CERTIFICATION:

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1468 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 12th day of November, 2013, and was duly adopted at a regular meeting of said City Council on the 11th day of February, 2014, by the following vote, to wit:

AYES: Councilmembers Miller, Peterson, Welch, Westholder, Mayor Franklin
NOES: None
ABSENT: None
ABSTAIN: None

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