



BILL NO. B-40

ORDINANCE NO. 2014-2

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, INCORPORATING AND ADOPTING EXPRESS FINDINGS OF NECESSITY RELATED TO LOCAL CLIMATIC, TOPOGRAPHICAL, AND GEOLOGICAL CONDITIONS THAT MAKE THE CITY'S AMENDMENTS TO THE CALIFORNIA FIRE CODE REASONABLY NECESSARY, REPEALING ARTICLE 10 OF CHAPTER 5, AND ADDING ARTICLE 10 TO CHAPTER 5 OF THE FRESNO MUNICIPAL CODE RELATING TO FIRE AND LIFE SAFETY REGULATIONS

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

SECTION 1. The express findings of Resolution No. 2014-4, entitled "A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, MAKING AND ADOPTING EXPRESS FINDINGS THAT MODIFICATIONS OR CHANGES TO THE CALIFORNIA FIRE CODE ARE REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC, GEOLOGICAL, AND TOPOGRAPHICAL CONDITIONS," required for modifications or changes to the California Fire Code, which are reasonably necessary because of local climatic, geological, or topographical conditions are incorporated and adopted herein as if set forth in full. The modifications or changes to the California Fire Code are specifically listed below, and the incorporated express findings regarding to those modifications may be generally characterized as relating to (1) fire sprinkler systems; (2) luminous exit markings; (3) additional regulation of lumber yards, woodworking, recycling, and waste handling facilities; and (4) additional regulation of motor fuel dispensing and repair garages, locations of above-ground tanks, the amount of Class I and Class II liquids at farms and construction sites in above-ground tanks and basement storage of flammable liquids.

SECTION 2. Article 10 of Chapter 5 of the Fresno Municipal Code is repealed.

SECTION 3. Article 10 of Chapter 5 of the Fresno Municipal Code is added to read:

ARTICLE 10

FIRE PREVENTION

Section	10-50100	Adoption of the California Fire Code
	10-50101.1	Title
	10-50101.1.1	Fire Zones



10-50101.1.2	Limits Established By Law
10-50102.3	Change of Occupancy
10-50102.5	Historic Buildings
10-50103.1	General
10-50103.2	Appointment
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10-50105.6	Required Operational Permits
10-50105.6.13	Exhibits, Trade Shows, and Special Events
10-50105.6.15	Fire Hydrants
10-50105.6.30	Open Burning
10-50105.6.48	Exterior Storage
10-50105.7	Required Construction Permits
10-50105.7.1	Automatic Fire Sprinkler Systems
10-50105.7.11	LP-Gas
10-50108	Board of Appeals
10-50109.3.1	Service
10-50109.4	Violation Penalties
10-50109.5	Cost Recovery
10-50110.1	General
10-50111.4	Failure to Comply
10-50113.6	Fee for Inspection Services
10-50202	General Definitions
10-50304.4	Recycling and Waste Handling Facilities
10-50304.5	Dumping of Combustible Waste Material
10-50304.6	Removal of Debris
10-50307.1.1	Prohibited Open Burning
10-50311.1.1	Abandoned Premises
10-50312.1	General
10-50315.4.3	Additional Requirements for Outside Storage
10-50505.1	Premise Identification
10-50506	Locked Premises Access
10-50605.11	Solar Panel Installations
10-50901.4.4	Additional Fire Protection Systems
10-50903.1	General
10-50903.2	Where Required
10-50903.3.1	Installation Requirements
10-50903.3.5.1.2	Residential Combination Services
10-50903.3.8	Floor Control Valves
10-50903.4.3	Floor Control Valves
10-50903.6	Where Required in Existing Buildings and Structures
10-50912.2.3	Address Identification
10-51024.1	General
10-51107.4.1.	Door Swing
10-51107.4.2	Door Hardware



10-52306.2.3	Above-Ground Tanks Located Outside of Buildings, Above Grade
10-52801.1	Scope
10-52807.2	Size of Piles
10-52807.3	Pile Fire Protection
10-52807.6	Security
10-52808.3	Size of Piles
10-52808.4	Pile Separation
10-52808.7	Pile Fire Protection
10-52808.11	Security
10-52808.12	Baled Material and Idle Pallets
10-55602	Prohibition of Fireworks
10-55603	Prohibition of Explosives
10-55704.2.9.6.1	Locations Where Above-Ground Tanks Are Prohibited
10-55704.3.5.1	Basement Storage
10-55706.2.4	Permanent and Temporary Tanks
10-56101.3	Construction Documents
10-5-8-103	Historic Buildings

## **ADMINISTRATION**

### **SECTION 10-50100. ADOPTION OF THE CALIFORNIA FIRE CODE.**

Section 10-50100 of the Fresno Municipal Code is added to read:

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

### **SECTION 10-50101.1. TITLE.**

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



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

#### SECTION 10-50101.1.1. FIRE ZONES.

Section 10-50101.1.1 of the Fresno Municipal Code is added to read:

101.1.1. Fire Zones. For the purpose of this Code, the entire city shall be divided into three fire zones classified and known as Fire Zone No. 1, Fire Zone No. 2, and Fire Zone No. 3. The boundaries and limits of each such Fire Zone are shown upon a map designated Zone Map No. 166, Fresno, California, dated June 9, 1974, consisting of one sheet on file in the office of the fire code official, which with any amendments thereto, is hereby adopted and made a part of this chapter as though fully set forth herein.

Whenever in this Code reference is made to any Fire Zone, such reference shall be construed to mean one of the Fire Zones designated on said map and amendments thereto.

#### SECTION 10-50101.1.2. LIMITS ESTABLISHED BY LAW.

Section 10-50101.1.2 of the Fresno Municipal Code is added to read:

101.1.2. Limits Established by Law. The limits referred to in Sections 5704.2, 6104.2 and Chapter 56 of the California Fire Code shall mean those locations noted by fire department policy.

#### SECTION 10-50102.3. CHANGE OF OCCUPANCY.

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

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



## SECTION 10-50102.6. HISTORIC BUILDINGS.

Section 102.6 of the California Fire Code is amended to read:

102.6. Historic Buildings. The provisions of this Code relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with Part 8 of Title 24 of the 2013 California Historic Building Code, as amended.

## SECTION 10-50103.1. GENERAL.

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

103.1. General. The department of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code. Whenever the terms "department of fire prevention," "fire prevention bureau," "fire prevention division", or "community risk reduction unit" are used in this Code or the Fresno Municipal Code, the terms shall mean those personnel assigned to, and engaged in, the prevention or investigation of fire on behalf of the City of Fresno Fire Department.

## SECTION 10-50103.2. APPOINTMENT

Section 103 of the California Fire Code is amended to read:

103.1. Appointment. The fire code official, not including a designee, shall be appointed by the chief appointing authority of the jurisdiction.

## SECTION 10-50104.3.2. INSPECTION FREQUENCY.

Section 10-50104.3.2 of the Fresno Municipal Code is added to read:

104.3.2. Inspection Frequency. The fire code official shall be authorized to establish a minimum inspection frequency for all occupancy groups where not already determined by the State of California Health and Safety Code.

## SECTION 10-50105.6. REQUIRED OPERATIONAL PERMITS.



Section 105.6 of the California Fire Code is amended to read:

105.6. Required Operational Permits. The fire code official is authorized to issue operational permits for the operations set forth in Section 105.6.1 through Section 105.6.48. Required permits will be issued only for those operations where a permit fee has been established by Master Fee Schedule resolution.

**SECTION 10-50105.6.13. EXHIBITS, TRADE SHOWS AND SPECIAL EVENTS.**

Section 105.6.13 of the California Fire Code is amended to read:

105.6.13. Exhibits, Trade Shows, and Special Events. An operational permit is required to operate exhibits, trade shows, and special events.

**SECTION 10-50105.6.15. FIRE HYDRANTS.**

Section 105.6.15 of the California Fire Code is amended to read:

105.6.15. Fire Hydrants. A permit is required to use fire hydrants intended for fire suppression purposes, which are installed on water systems and accessible to public roadways, alleys, or public utility easements on private property. Such permit shall be obtained from the Water Division of the Department of Public Utilities of the City, or person responsible for the provision of water to such fire hydrants or water systems within a waterworks district. Also see Sections 901.6 and 901.8.

Exception: A permit is not required for authorized employees of the water company, which supplies the system or the fire department to use or operate fire hydrants or valves.

**SECTION 10-50105.6.30. OPEN BURNING.**

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

105.6.30. Open Burning. An operational permit is required for any open burning, which has been approved by the San Joaquin Valley Air Pollution Control District.

**SECTION 10-50105.6.48. EXTERIOR STORAGE.**

Section 10-501105.6.48 of the Fresno Municipal code is added to read:





105.6.48. Exterior Storage. An operational permit is required for the exterior storage of more than 5,000 square feet of tires, pallets, bin boxes, wood or plastic products, other combustible finished materials or wood chips, hogged material, fines, compost, and raw product associated with yard waste and recycling facilities.

#### SECTION 10-50105.7. REQUIRED CONSTRUCTION PERMITS.

Section 105.7 of the California Fire Code is amended to read:

105.7. Required Construction Permits. The fire code official is authorized to issue construction permits for work as set forth in Section 105.7.1 through Section 105.7.14. Required permits will be issued only for those operations where a permit fee has been established by Master Fee Schedule resolution.

#### SECTION 10-50105.7.1. AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

Section 105.7.1 of the California Fire Code is amended to read:

105.7.1. Automatic Fire Extinguishing Systems. A construction permit is required for installation of or modification to an automatic fire extinguishing system.

#### SECTION 10-50105.7.11. LP-GAS.

Section 105.7.11 of the California Fire Code is amended to read:

105.7.11. LP-Gas. A construction permit is required for installation or modification of LP-Gas tanks with a capacity (single or aggregate) in excess of 125 gallons.

#### SECTION 10-50108. BOARD OF APPEALS.

Section 108 of the California Fire Code is amended to read:

108.1. General. In order to hear and decide appeals of orders, decisions, or determinations by the fire code official relative to the application and interpretation of the Fresno Fire Code, there shall be and is hereby created a board of appeals (hereafter referred to as the "Building Standards Appeals Board") consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and hazards of fire, explosions, hazardous conditions, or fire protection systems, who are not employees of the City of Fresno.

The Building Standards Appeals Board shall perform the following appeal duties:



- a) Determine the suitability of alternate materials, engineering designs, methods of construction, and equipment.
- b) Provide reasonable interpretations of the provisions of the Fresno Fire Code and other relevant codes.

Exception: Appeals of administrative citations, fees, penalties, or charges that may be levied by the fire department such as suppression costs, mitigation costs, clean-up costs, re-inspection charges, false alarm charges, or failure to comply with written citations or notices, shall comply with Fresno Municipal Code, Chapter 1, Article 4.

The building official shall serve as an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The Building Standards Appeals Board shall be appointed by the Mayor and shall hold office at the pleasure of the Mayor.

The Building Standards Appeals Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

108.2. Limitations of Authority. The Building Standards Appeals Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this Code. An economic condition shall not be considered as a basis for an appeal of the provisions of this Code.

#### SECTION 109.3.1. SERVICE.

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

109.3.1. Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition of violation either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned properties, a copy of such notice shall be sent by first class mail to the last known address of the owner, occupant, or both. The fire code official is authorized to issue an administrative citation for abatement of violations of this code in accordance with Fresno Municipal Code, Chapter 1, Article 3 and written policy. SECTION 50109.4. VIOLATION PENALTIES.

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





109.4. Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate issued under provisions of this code shall be guilty of a misdemeanor. Upon failure to comply with a written notice of violation, the fire code official is authorized to impose penalties and, or seek legal action in accordance with Fresno Municipal Code, Chapter 1, Article 3. Each day that a violation continues shall be deemed a separate offense.

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

#### SECTION 10-50109.5. COST RECOVERY.

Section 109.5 of the Fresno Municipal Code is added to read:

109.5. Cost Recovery. The fire code official or designee may seek recovery of any direct or indirect costs for fire prevention, fire suppression, hazardous material incident response, and protection of the public from fire and life safety hazards. Additionally, acts caused from serious negligence or carelessness, an intentional wrongful act, malice, or failure to comply with a written notice of violation will be subject to the cost recovery program set forth in Fresno Municipal Code, Chapter 1, Article 5, and the Master Fee Schedule.

#### SECTION 10-50110.1. GENERAL.

Section 110.1 of the California Fire Code is amended to read:

110.1. General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes an inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building official for any repairs, alterations, remodeling, removing, or demolition as may be required by Fresno Municipal Code, Chapter 11, Article 4, Dangerous Building Regulations.

#### SECTION 10-50111.4. FAILURE TO COMPLY.



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

111.4. Failure to Comply. Any persons who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to an administrative citation or other judicial or administrative action in accordance with Section 109.4.

#### **SECTION 10-50113.6. FEES FOR FIRE INSPECTIONS.**

Section 10-50113.6 of the Fresno Municipal Code is added to read:

113.6. Fees for Fire Inspections. The fire code official shall be authorized to charge a fee for fire inspections of existing buildings and properties within the City of Fresno. Fees for such services shall be in accordance with the Master Fee Schedule.

### **DEFINITIONS**

#### **SECTION 10-50202. GENERAL DEFINITIONS.**

The following definition in Section 202 of the California Fire Code is amended to read:

**FIRE CODE OFFICIAL.** The fire chief charged with the administration and enforcement of the code, or a duly authorized representative.

The following definition in Section 202 of the California Fire Code is added to read:

**FIRE MARSHAL.** A chief fire officer of the fire department or a duly authorized representative, who is charged with either the prevention or investigation of fires.

### **GENERAL PRECAUTIONS AGAINST FIRE**

#### **SECTION 10-50304.4. RECYCLING AND WASTE HANDLING FACILITIES.**

Section 10-50304.4 of the Fresno Municipal Code is added to read:

304.4. Recycling and Waste Handling Facilities. See Chapter 28 of the CFC for specific requirements related to recycling and waste handling facilities.

#### **SECTION 10-50304.5. DUMPING OF COMBUSTIBLE WASTE MATERIAL.**

Section 10-50304.5 of the Fresno Municipal Code is added to read:



304.5. Dumping of Combustible Waste Material. No owner or occupant of any lot or premises shall maintain thereon any rubbish or waste material likely to become easily ignited, and, provided further, no person shall place, deposit, or leave any piles of dirt, metallic cans, combustible waste, or rubbish on any property not owned or controlled by such person or persons.

#### SECTION 10-50304.6. REMOVAL OF DEBRIS.

Section 10-50304.6 of the Fresno Municipal Code is added to read:

304.6. Removal of Debris. Any person having in their possession or under their control, upon any premises, any kind of materials, which have been rendered useless or un-merchandisable by reasons of any fire on the premises, or any other debris resulting from such fire, must commence to remove the same from the premises within twenty-four hours after notice to do so from the fire department, and must thereupon proceed with and diligently carry on the work of such removal until the same has been completed.

#### SECTION 10-50307.1.1. PROHIBITED OPEN BURNING.

Section 10-50307.1.1 of the Fresno Municipal Code is amended to read:

307.1.1. Prohibited Open Burning. Notwithstanding other provision in Section 307, open burning is prohibited as follows:

1. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

2. Open burning in violation of the rules or regulations promulgated by the San Joaquin Valley Air Pollution Control District.

3. The fire code official is authorized to order, or effect the immediate extinguishment, of any open burning when in the opinion of the fire code official is reasonably necessary for safety and protection of life and health, and may issue administrative citations and seek to recover costs in accordance with Sections 109.4 and 109.5 of this Code.

#### SECTION 10-50311.1.1. ABANDONED PREMISES.

Section 311.1.1 of the California Fire Code is amended to read:



311.1.1. Abandoned Premises. Buildings, structures, and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe, and abated by demolition or rehabilitation in accordance with the Fresno Municipal Code, Chapter 11, Article 4 (Dangerous Building Ordinance).

#### SECTION 10-50312.1. GENERAL.

Section 10-50312.1 of the California Fire Code is amended to read:

312.1. General. Vehicle impact protection required by this Code shall be provided by posts that comply with Section 312.2 of the CFC or by other approved physical barriers that comply with 312.3 of the CFC

Exception: Fire hydrants and fire sprinkler risers may be protected in accordance with Public Works Standard W-23 (Fire hydrant installation with protector posts).

#### SECTION 10-50315.4.3. ADDITIONAL REQUIREMENTS FOR OUTSIDE STORAGE.

Section 10-50315.4.3 of the Fresno Municipal Code is added to read:

315.4.3. Additional Requirements for Outside Storage. Outside storage of tires shall be in accordance with Chapter 24 of the CFC. Outside storage of idle pallets, plastic or wooden finished products, baled material, or similar products shall be in accordance with fire department policy. Outdoor storage at lumber yards, woodworking, recycling, and waste handling facilities shall be in accordance with Chapter 28 of the CFC. An approved water supply for firefighting purposes shall be provided in accordance with Section 507 of the CFC.

### **FIRE SERVICE FEATURES**

#### SECTION 10-50505.1. PREMISES IDENTIFICATION.

Section 505.1 of the California Fire Code is amended to read:

505.1 Address Identification. New and existing buildings shall have approved address numbers 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 required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) unless larger size numbers are specified by the Policy. The requirements of Fresno Municipal Code Section 12-1300 et seq. shall be followed. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other approved sign or means, shall be used to identify the structure. Address numbers shall be maintained.

#### **SECTION 10-50506. LOCKED PREMISES ACCESS.**

Section 506 of the California Fire Code is renamed and amended to read:

506.1. Where Required. Where access to, or within a structure or an area is restricted because of secured openings, the fire code official is authorized to require key boxes to be installed in approved locations. Installation requirements and key box contents shall be in accordance with fire department policy.

506.1.1 Locks. An approved lock or remote opening device shall be installed on gates or similar barriers when required by the fire code official in accordance with fire department policy.

506.2. Key Box Maintenance. The operator of the building or premises shall immediately notify the fire code official and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box.

### **BUILDING SERVICES AND FEATURES**

#### **SECTION 10-50605.11.3. SOLAR PANEL INSTALLATIONS.**

Section 10-50605.11.3. of the Fresno Municipal Code is added to read:

605.11.3. DC Roof Top Disconnects. There shall be a separate emergency DC disconnect on the roof to disconnect solar panels from DC wiring running through, and on, the building to the inverter. This disconnect must be permanently labeled in reflective, fade-resistant material that states: "Emergency DC Disconnect." Disconnects, shall be in a NEMA 3R box, and shall be installed as close to the array as possible to reduce the length of energized wiring that cannot be shut down. Commercial installation where multiple disconnects are required will be evaluated for approval on a case by case basis by the fire code official or designee.



## **DECORATIVE MATERIALS OTHER THAN DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS**

### **SECTION 10-50807.4.2.3. WOOD USE IN GROUP A-3 PLACES OF RELIGIOUS WORSHIP.**

Section 807.4.2.3 of the California Fire Code is amended to read:

807.4.2.3 Wood use in Group A-3 places of religious worship. In new and existing places of religious worship, wood used for ornamental purposes, trusses, paneling or chancel furnishing shall be allowed where such material meets the flame spread requirements found in Table 803.3.

## **FIRE PROTECTION SYSTEMS**

### **SECTION 10-50901.4.4. ADDITIONAL FIRE PROTECTION SYSTEMS.**

Section 901.4.4 of the California Fire Code is amended to read:

901.4.4. Additional fire protection systems. In any occupancies of a hazardous nature, where special hazards exist in addition to the normal hazards of the occupancy, or where the fire code official determines that access for fire apparatus is unduly difficult, the fire code official shall have the authority to require additional fire protection systems, equipment or a combination thereof. Such systems include, but shall not be limited to, the following: automatic fire detection systems, fire alarm systems, automatic fire-extinguishing systems, standpipe systems, or portable or fixed extinguishers. Any additional fire protection systems or equipment required under this section shall be installed in accordance with this Code, the applicable referenced standards, fire department policy and be considered a required system in accordance with section 901.4.1.

901.4.6. Removal of prohibited equipment. Any device that is prohibited by section 901.4.5 shall be immediately removed upon written order of the fire code official.

### **SECTION 10-50903.1. GENERAL.**

Section 903.1 of the California Fire Code is amended to add the following sub-sections:





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

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

Exceptions:

(a) Party walls located on a lot line between two buildings in accordance with California Building Code, Section 706.

(b) Fire walls without openings installed in accordance with California Building Code, Section 706 and with specific fire wall requirements in Section 903.2 of this Code based on occupancy.

2. Determination of building area for combustible construction shall be measured to the building perimeter roof drip line, including architectural features, such as, but not limited to, mansards, towers, porte cocheres, etc., with the exception of 44" maximum depth roof eaves. For non-combustible construction, building area shall include all perimeter roof areas exceeding 44" that are required by NFPA 13 to have fire sprinkler protection under the projection. The area of open shafts or courts need not be included in calculating floor area. When multiple buildings are considered as one building per California Building Code Section 705.3, the combined floor areas shall be used to determine the automatic fire sprinkler requirements.

#### SECTION 10-50903.2. WHERE REQUIRED.

Section 903.2 of the California Fire Code is amended to read:

903.2. Approved automatic fire sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Additionally, an approved automatic fire sprinkler system shall be installed when the fire area is 5,000 square feet or larger in any Group A, B, E, F, M, and S occupancy groups.

Exceptions:



1. F-2 and S-2 occupancies of non-combustible construction and with contents stored, used or manufactured that are classified as non-combustible. Accessory uses such as administrative offices and break rooms that, in total, do not exceed 10% of the building area and any single accessory use area does not exceed 5,000 square feet does not require fire sprinklers. An operational statement shall be submitted to the Development and Resource Management Department with building plan submission and the owner shall execute a covenant running with the land agreeing to the installation of the required automatic extinguishing system if the use changes from the approved non-combustible limitations.

2. Detached S-2 occupancy carports of non-combustible construction, without exterior walls, used exclusively for the parking of motor vehicles that meet the setback requirements to real and assumed property lines per Table 602 of the California Building Code. Installation of solar panels on the roof of such carports is permissible when using this exception.

#### SECTION 10-50903.3.1. INSTALLATION REQUIREMENTS.

Section 903.3.1 of the California Fire Code is amended to read:

903.3.1. Standards. Sprinkler systems shall be designed in accordance with Sections 903.3.1.1, 903.3.1.2, and 903.3.1.3. Automatic fire sprinklers or fire sprinkler systems not required by the California Fire or Building Codes may be of any type approved by the fire code official.

903.3.1.1. NFPA 13 Sprinkler Systems. Where the provisions of this Code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this Section, sprinklers shall be installed throughout in accordance with NFPA 13 as amended in Chapter 80 except as provided for in Sub-Sections 903.3.1.1.1 through 903.3.1.1.4.

903.3.1.1.2. Group R Mixed Occupancy Buildings. Mixed occupancy buildings containing Group R occupancies shall be provided with automatic sprinkler systems in accordance with Section 903.3.1.1 (NFPA 13). The R-2 or R-3 residential portion of a mixed occupancy building shall be provided with fire sprinkler piping and control valves arranged so that the automatic sprinkler system can remain in service independent of non-residential occupancies.



Exceptions:

1. Mixed occupancy buildings where a vertical fire barrier with no openings is provided in accordance with California Building Code, Section 707 separating the R occupancy from other uses may have automatic fire sprinkler systems installed in the residential portion in accordance with Sections 903.3.1.2 (NFPA 13R) or 903.3.1.3 (NFPA 13D) as applicable. Separate control valves shall be installed as indicated above unless otherwise approved by the fire code official.

2. Group R-1 or R-2 occupancies with accessory occupancy groups that do not require installation of fire sprinklers by Section 903.2.

903.3.1.1.3. Joint Live Work Units Quarters. Where joint live/work residential dwelling units are constructed in accordance with Fresno Municipal Code, Chapter 11, Article 7, automatic sprinkler systems shall be designed in accordance with Section 903.3.1.1 (NFPA 13).

903.3.1.2. NFPA 13R Sprinkler Systems. Automatic sprinkler systems in Group R occupancies up to and including three stories in height shall be permitted to be installed throughout in accordance with NFPA 13R as amended in Chapter 80 except where prohibited in Sections 903.3.1.1.3 and 903.3.1.1.4

903.3.1.2.1. Balconies and Decks. Sprinkler protection shall be provided for exterior balconies, decks, ground floor patios, and entryways (enclosed on two or more sides) of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies, decks, and entryways that are constructed of open wood joist construction.

**SECTION 10-50903.3.5.1.2. RESIDENTIAL COMBINATION SERVICES.**

Section 903.3.5.1.2 of the California Fire Code is amended to read:



903.3.5.1.2. Residential Combination Services. A single combination water supply shall be allowed only when approved by the fire code official.

**SECTION 10-50903.3.8. FLOOR CONTROL VALVES.**

Section 10-50903.3.8 of the California Fire Code is amended to read:

903.3.8. Floor Control Valves. Floor control valves and water flow detection shall be provided in accordance with Section 903.4.3.

**SECTION 10-50903.4.3. FLOOR CONTROL VALVES.**

Section 903.4.3 of the California Fire Code is amended to read:

903.4.3. Floor Control Valves. Approved supervised indicating control valves and water flow switches shall be provided at the point of connection to the riser on each floor in buildings with three or more levels or where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access. The fire sprinkler system monitoring panel or remote annunciator panel shall be provided at an approved location readily accessible to the fire department indicating floor of activation of these devices.

Exception: NFPA 13R and 13D systems.

**SECTION 10-50903.6. WHERE REQUIRED IN EXISTING BUILDINGS AND STRUCTURES.**

Section 903.6 of the California Fire Code is amended to read:

903.6 Where required in existing buildings and structures. An approved automatic fire extinguishing system shall be provided in existing buildings and structures in those circumstances described in this Section and where required in Chapter 11. Installation requirements shall be as set forth for new buildings by Sections 903.2.1 through 903.2.10.

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

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

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

Exceptions:

(a) If the area in which the Change of Occupancy occurs is less than 25 percent of the actual floor area of the existing building and the area of the new occupancy is 4,999 square feet or less and an automatic fire extinguishing system is not required based on occupancy by Section 903, an automatic fire sprinkler or extinguishing system is not required for any portion of the building. The 25% limit is cumulative over the life of the building.

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

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

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

(a) When a fire occurs in any existing occupancy, and the building permit repair costs exceed 50% of the current building valuation, an automatic fire extinguishing



system shall be installed throughout the building as required for a new building in Section 903.

(b) When a fire occurs in an R occupancy and building permit fire repair costs in the kitchen area of the dwelling unit(s) exceeds \$1,000, a single fire sprinkler head or other approved automatic extinguishing system shall be installed in the kitchen per fire department policy.

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

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

5. A-2 Occupancies. In existing A-2 occupancies with occupant loads of 100 or more, an approved automatic fire extinguishing system shall be installed in the A-2 fire area as a condition of any building permit application that increases the occupant load of the assembly fire area as determined by the California Building Code.

In existing A-2 occupancies with occupant loads under 100, an approved automatic fire extinguishing system shall be installed in the A-2 fire area as a condition of any building permit application that increases the occupant load to 100 or more in the assembly fire area as determined by the California Building Code.

#### SECTION 10-50912.2.3. ADDRESS IDENTIFICATION.

Section 10-50912.2.3 of the Fresno Municipal Code is added to read:

912.2.3. Address Identification. For new and existing buildings, the fire code official is authorized to require approved address or building area identification signage as needed to readily determine the building or area of a building protected by fire department connections.

#### **MEANS OF EGRESS** (Luminous Egress Path Markings)





## SECTION 10-51024.1. GENERAL.

Section 10-51024.1 of the California Fire Code is amended to read:

1024.1. General. Approved luminous egress path markings delineating the exit path shall be provided in all new buildings three or more stories above grade or below grade in accordance with Sections 1024.1 through 1024.5.

### Exceptions:

1. Luminous egress path markings shall not be required on the level of exit discharge in lobbies that serve as part of the exit path in accordance with Section 1027.1, Exception 1.
2. Luminous egress path markings shall not be required in open parking garages that serve as part of the exit path in accordance with Section 1027.1, Exception 3.
3. R-3 occupancies.

1024.1.1. Existing Buildings. Existing Group R-1, R-2, I, and E buildings with 3 or more stories above or below grade and all buildings over three stories above grade or three or more stories below grade shall be retrofitted with luminous exit path markings in the enclosed stairways and associated exit pathways to the exterior no later than January 1, 2012. Exceptions 1, 2, and 3 above are applicable to retrofit requirements. Buildings subject to these retrofit provisions may use the Fresno Fire Department "Uniform Standard for Photoluminescent Exit Path Markings" or California Fire Code, Sections 1024.2 through 1024.5 as an installation standard. Stairway exit path markings in existence at the time of the initial effective date of Ordinance No. 2007-27 adopted on March 20, 2007, may continue to exist as installed subject to the approval of the fire code official.

1024.1.2. Maintenance. Luminous egress path markings required in this section shall be maintained in accordance with Sections 1024.1 through 1024.5 or fire department policy as applicable.

## **CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS**

### SECTION 10-51107.4.1. DOOR SWING.

Section 1107.4.1 of the California Fire Code is added to read:



1107.4.1. Door Swing. When, in the opinion of the fire code official, it is essential for public safety in any existing building or occupancy, because of the number of persons served, or the nature of the operation, an owner, agent or lessee shall install doors that swing in the direction of egress travel, as required and approved when such places are open to the public, or when such operation is being conducted.

#### SECTION 10-51107.4.2. DOOR HARDWARE.

Section 1107.4.2 of the California Fire Code is amended to read:

1107.4.2. Door Hardware. When, in the opinion of the fire code official, it is essential for public safety in any existing building or occupancy, because of the number of persons served, or the nature of the operation, an owner, agent or lessee shall provide and maintain panic or fire exit hardware, as required and approved when such places are open to the public, or when such operation is being conducted.

#### **MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES**

#### SECTION 10-52306.2.3. ABOVE-GROUND TANKS LOCATED OUTSIDE OF BUILDINGS, ABOVE GRADE.

Section 2306.2.3 of the California Fire Code is amended to read:

1. Above-ground tanks used for outside above grade storage of Class I and II liquids shall be listed and labeled as protected above-ground tanks in accordance with Chapter 57. Such tanks shall be located in accordance with Table 2306.2.3.

2. Above-ground tanks used for above grade storage of Class III-A liquids are allowed to be protected above-ground tanks, or when approved by the fire code official, other above-ground tanks that comply with Chapter 34. Tank locations shall be in accordance with Table 2306.2.3.

3. Tanks containing fuels shall not exceed 12,000 gallons (45 420 L) in individual capacity or 48,000 gallons (181 680 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).

4. Tanks located at farms, construction projects, or rural areas shall comply with Section 5706.2.



## **LUMBER YARDS, WOODWORKING, RECYCLING, AND WASTE HANDLING FACILITIES**

### **SECTION 10-52801.1. SCOPE.**

Section 2801.1 of the California Fire Code is amended to read:

2801.1. Scope. The storage, manufacturing and processing of timber, lumber, plywood, veneers, wood by-products, compost and yard waste, un-baled recycled products, and similar materials shall be in accordance with this chapter. The title of this Chapter shall be "LUMBER YARDS, WOODWORKING, RECYCLING, AND WASTE HANDLING FACILITIES."

### **SECTION 10-52807.2. SIZE OF PILES.**

Section 2807.2 of the California Fire Code is amended to read:

2807.2. Size of Piles. Piles shall not exceed 20 feet (6.1 m) in height, 50 feet (15.2 m) in width and 250 feet (76.2 m) in length. Piles shall be separated from adjacent piles or other exposures (including, but not limited to, property lines, other storage, and buildings) by means of fire department access roadways. A 120 foot (36.6 m) by 90 foot (27.5 m) area shall be maintained available for use by the fire department for interim storage of pile breakdown material during fire suppression activities.

Exception: The fire code official is authorized to allow the pile size to be increased when additional fire protection is provided in accordance with Chapter 9. The increase shall be based on the capabilities of the system installed.

### **SECTION 10-52807.3. PILE FIRE PROTECTION.**

Section 2807.3 of the California Fire Code is amended to read:

2807.3. Pile Fire Protection. An approved water supply for firefighting purposes shall be provided in accordance with Section 507. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible or enclosed conveyor systems shall be protected by automatic sprinkler protection.

### **SECTION 10-52807.6. SECURITY.**

Section 10-52807.6 of the Fresno Municipal Code is added to read:



2807.6. Security. Areas shall be surrounded with an approved fence. Fences shall be a minimum of 6 feet (1.8 m) in height.

#### SECTION 10-52808.3. SIZE OF PILES.

Section 2808.3 of the California Fire Code is amended to read:

2808.3. Size of Piles. Piles shall not exceed 20 feet (6.1 m) in height, 50 feet (15.2 m) in width and 250 feet (76.2 m) in length. A 120 foot (36.6 m) by 90 foot (27.5 m) area shall be maintained available for use by the fire department for interim storage of pile breakdown material during fire suppression activities.

Exception: The fire code official is authorized to allow the pile size to be increased when additional fire protection is provided in accordance with Chapter 9. The increase shall be based on the capabilities of the system installed.

#### SECTION 10-52808.4. PILE SEPARATION.

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

2808.4. Pile Separation. Piles shall be separated from adjacent piles or other exposures (including but not limited to, property lines, other storage, and buildings) by means of fire department access roads.

#### SECTION 10-52808.7. PILE FIRE PROTECTION.

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

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

#### SECTION 10-52808.11. SECURITY.

Section 10-52808.11 of the Fresno Municipal Code is added to read:

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

#### SECTION 10-52808.12. BALED MATERIAL AND IDLE PALLETS.

Section 10-52808.12 of the Fresno Municipal Code is added to read:



2808.12. Baled Material and Idle Pallets. For exterior storage of recycled baled material and idle pallets see Section 10-50315.4.3 and fire department policy.

## **FIREWORKS AND EXPLOSIVES**

### **SECTION 10-55602. FIREWORKS ORDINANCE.**

Section 5602 of the California Fire Code is amended to read:

#### **5602.1. Short Title.**

This Section shall be known and cited as the "Fireworks Ordinance." When used, "this Section" means the Fireworks Ordinance.

#### **5602.2. Findings and Intent.**

(a) This Section governs the imposition, enforcement, collection and administrative review of all administrative fines related to: the possession, use, storage, sale and/or display of those fireworks classified as dangerous fireworks in California Health and Safety Code, Section 12505 et seq. or the possession, use, storage, sale and/or display of Safe and Sane fireworks on or at dates, times, and/or locations other than those permitted by this Section. The administrative fines are imposed under authority of Government Code, Section 53069.4; Health and Safety Code, Section 12557; and, the police power of the City of Fresno.

(b) The issuance of an administrative citation to any person constitutes but one remedy of the City to redress violations of this Section. By adopting this Section, the City does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this Section which the City may otherwise pursue.

(c) The imposition of administrative fines under this Section shall be limited to persons who possess, use, sell and/or display, or the seizure of 25 pounds or less of dangerous fireworks or persons who possess, use, sell and/or display Safe and Sane fireworks on or at the dates, times, and/or locations other than those permitted by this Section.

(d) Administrative fines collected pursuant to this Section shall not be subject to Health and Safety Code, Section 12706. The administrative fines collected shall be allocated in compliance with Health and Safety Code, Section 12557, which requires the City to provide cost reimbursement to the California State Fire Marshal for reimbursement of



costs, including, but not limited to transportation, and disposal. Regulations are to be adopted by the California State Fire Marshal setting forth this allocation. Unless and until such regulations have been adopted by the State of California, the City shall hold in trust a \$250.00 fee in addition to any fine collected to cover the reimbursement to the California State Fire Marshal for the cost of transportation and disposal of the dangerous fireworks. This fee is non-refundable.

(e) Due to the serious threat of fire or injury posed by the use of dangerous fireworks or Safe and Sane fireworks on or at dates, times, and/or locations other than those permitted by this Section, this Section imposes strict civil liability upon the owners of residential real property for all violations of this Section existing on that property. Each contiguous use, display, and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.

(f) The fire code official or designee may seek cost recovery for any costs imposed on the Fire Department due to negligence, an intentional wrongful act, carelessness, or malice as set forth in Fresno Municipal Code, Chapter 1, Article 5, Section 10-50109.5 of this Code, and the Master Fee Schedule.

(g) This section shall not apply to the public display of fireworks in accordance with Section 5608.

(h) This section shall not apply to the storage and handling of Safe and Sane fireworks in accordance with the California Building Code for Class 1.4G fireworks.

### 5602.3. Definitions.

(a) "Dangerous fireworks" shall include any items or materials listed as such in California Health and Safety Code, Section 12505.

(b) "Eligible organizations" means an organization or corporation, which has met all of the following criteria continuously for a minimum of one year preceding the filing of the application for a permit to display for sale or sell Safe and Sane fireworks.

(i) The organization and/or corporation must be a duly organized non-profit and tax-exempt charitable, religious, civic, patriotic, or community service organization or corporation with a current and valid 26 U.S.C Section 501(c)(3)(19) tax exemption from the Internal Revenue Service.





(ii) The organization must be headquartered within and clearly affiliated or identified with the City of Fresno.

(iii) The organization must be one which provides direct and regular community services and benefits to the citizens of the City of Fresno.

(iv) The organization must hold its regularly scheduled meetings within the City of Fresno.

(c) "Exempt fireworks" means any special item containing pyrotechnic compositions which the California State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, and agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

(d) "Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. These items include, but are not limited to:

(i) Devices designated by the manufacturer as fireworks.

(ii) Torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.

(e) "Safe and Sane fireworks" means any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks." All Safe and Sane fireworks shall be labeled with the Safe and Sane fireworks seal as authorized by the California State Fire Marshal.

#### 5602.4. General Prohibition Against Possession, Sale, Use and/or Display of Fireworks.

Except as otherwise provided in this Section, no person shall possess, sell, use, display, explode or discharge any fireworks within the City of Fresno.

#### 5602.5. Safe and Sane Fireworks: Exceptions.

(a) The sale and/or display of Safe and Sane Fireworks shall be permitted only during that period beginning at noon on June 28 and ending at noon on July 6 of the same year.



(b) Safe and Sane fireworks shall not be sold to any person under the age of sixteen (16).

(c) The use and discharge of Safe and Sane fireworks within the City of Fresno is permitted 365 days a year, between the hours of 7:00 a.m. and 10:00 p.m., except for the period of June 28 to July 6 when use and discharge will be allowed between the hours of 7:00 a.m. and 12:00 a.m.

#### 5602.6. Safe and Sane Fireworks Permits: Permits Required.

(a) It is unlawful for any person to sell Safe and Sane fireworks within the City of Fresno without a permit issued by the fire code official or designee.

(b) The fire code official is authorized to promulgate administrative rules and procedures necessary for the successful and effective implementation of this Section including rules and procedures governing the submission of applications for permits to sell Safe and Sane fireworks, inspections of fireworks stands, operation of fireworks stands, and such regulations relating to the sale of Safe and Sane fireworks as may be necessary for the protection of life and property. Said administrative rules and procedures shall be in writing and subject to approval by the City Attorney.

(c) The fire code official or designee shall be responsible for reviewing applications for permits to sell Safe and Sane fireworks.

#### 5602.7. Safe and Sane Fireworks: Applications.

(a) All organizations or corporations interested in obtaining a permit to sell Safe and Sane fireworks shall submit an application to the fire department on forms provided by the fire department. There is a non-refundable application fee established by resolution of the City Council and set forth in the Master Fee Schedule. This application fee shall be in addition to any fee or tax imposed by any other chapter or article of the Fresno Municipal Code.

(b) The fire code official or designee shall designate the time period when applications will be accepted.

(c) No organization shall submit more than one application. Submittal of more than one application shall be grounds for denial of all applications submitted by that organization.



(d) There shall be allowed a maximum of one fireworks stand for every five thousand (5,000) population in the City. A maximum of fifty new stands will be issued permits on an alternating two-year cycle.

(e) Participants are selected by lottery, which shall take place at a time and location determined by the fire code official or designee.

(f) The newly selected participants, as well as the previous year's participants, shall submit additional information as required by the fire department which shall be reviewed prior to issuance of any permits to sell Safe and Sane fireworks for the upcoming fireworks season.

#### 5602.8. Safe and Sane Fireworks: Issuance of Permits.

(a) No permit to sell Safe and Sane fireworks shall be issued to any organization except non-profit and tax-exempt organizations or corporations organized primarily for charitable, religious, civic, patriotic, or community service as defined in Section 10-55602.3(b).

(b) Upon notification that the organization has been selected by lottery to participate in the upcoming fireworks season, each organization shall provide additional information as required by the fire department including, but not limited to:

(i) A non-refundable fee established by resolution of the City Council and set forth in the Master Fee Schedule. This fee shall be in addition to any fee or tax imposed by any other chapter or article of the Fresno Municipal Code.

(ii) An executed Indemnification and Hold Harmless Agreement as required by the City's Risk Manager or the Risk Manager's designee.

(iii) Throughout the life of the permit, the applicant shall pay for and maintain in full force and effect policies of insurance as required by the City's Risk Manager or Risk Manager's designee. The policies of insurance shall name the City, its officers, officials, agents, employees and authorized volunteers as additional insured. The applicant shall submit proof of insurance in a manner authorized by the City's Risk Manager or Risk Manager's designee.

(iv) Other information as may be required by the fire department pursuant to administrative rules and procedures



promulgated by the fire code official pursuant to Section 10-5502.6(b).

(c) Permits shall be issued upon review of all information submitted by the organization and inspection and approval of the organization's temporary fireworks stand.

#### 5602.9. Safe and Sane Fireworks: Operator Safety Seminar.

Each year, one or more representatives from each organization that is granted a permit to sell or display fireworks shall attend a stand operator safety seminar conducted by the City of Fresno Fire Department or the fireworks industry. Failure of an organization to have a responsible individual attend the seminar shall result in the revocation of the permit.

#### 5602.10. Revocation of Permits.

The fire code official or designee may revoke the permit of any organization that violates the provisions of this Section or any rules or regulations promulgated pursuant to Section 10-53302.6(b). Notice of revocation shall be made in writing by the fire department to the organization. The fire code official or his designee may reinstate a permit upon proof that the permit holder is in compliance with all provisions and rules pertaining to this Section.

#### 5602.11. Administrative Fines.

In addition to any other remedy available at law, any person or entity who possesses, uses, stores, sells and/or displays dangerous fireworks or any person or entity who possesses, uses, sells and/or displays Safe and Sane fireworks on or at dates, times, or locations other than those permitted by this Section are subject to an administrative fine of not less than one-thousand dollars (\$1,000.00).

#### 5602.12. Seizure of Fireworks.

The fire code official or designee shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Section. Such seizure shall be subject to cost recovery in accordance with Section 109.5.

#### 5602.13. Appeals.

(a) A citation issued for failure to comply with the provisions of this Section shall be appealed pursuant to Fresno Municipal Code, Chapter 1, Article 4.



(b) The denial of an application for a fireworks permit shall be appealed pursuant to Fresno Municipal Code, Chapter 1, Article 4. If no appeal is filed within the time prescribed, the action of the fire code official or designee shall be final.

(c) A minor and the parent(s) or guardian(s) having custody and control of said minor, are jointly and severally liable to the City for any administrative citation and/or penalty issued for failure to comply with the provisions of this Section.

(d) The administrative citation penalty may become a special assessment or a lien against the property of any person who is issued a citation for violation of the provisions of this Section. This shall include the property of a minor who is issued a citation and/or the property of the parent(s) or guardian(s) having custody and control of the minor or private property owner that allows the illegal use or storage on their property. The procedures set forth in Section 1-506 shall be followed for the imposition of a special assessment or lien.

#### **SECTION 10-55603. PROHIBITION OF EXPLOSIVES.**

Section 5603 of the California Fire Code is amended to read:

5603. Prohibition of Explosives. The possession, storage, use and handling of explosives are prohibited within the limits established by law.

Exception: Storage and sale of small arms ammunition, small arms primers, smokeless powder and black sporting powder in accordance with Title 19, Chapter 10, Article 12 of the California Code of Regulations and Section 307 of the California Building Code.

#### **FLAMMABLE AND COMBUSTIBLE LIQUIDS**

#### **SECTION 10-55704.2.9.6.1. LOCATIONS WHERE ABOVE-GROUND TANKS ARE PROHIBITED.**

Section 5704.2.9.6.1 of the California Fire Code is amended to read:

5704.2.9.6.1. Locations Where Above-ground Tanks are Prohibited. Storage of Class I and II liquids in above-ground outside of buildings shall be in accordance with the protected above-ground tank provisions of Section 2306.2.3.

Exceptions:



1. Bulk plants and terminals.
2. Refineries.
3. Standby generators with integral base tanks for Class II liquids when installed per fire department policy.
4. For above-ground tanks at farms and construction site, see FMC 10-55706.2.4.

#### SECTION 10-55704.3.5.1. BASEMENT STORAGE.

Section 5704.3.5.1 of the California Fire Code is amended to read:

5704.3.5.1. Basement Storage. Class I liquids shall not be stored in basements. Class II and IIIA liquids shall be allowed to be stored in basements, provided that automatic fire suppression and other fire protection are provided in accordance with Chapter 9.

#### SECTION 10-55706.2.4. PERMANENT AND TEMPORARY TANKS.

Section 5706.2.4 of the California Fire Code is amended to read:

5706.2.4. Permanent and Temporary Tanks. The aggregate capacity of permanent and temporary above-ground tanks containing Class I and II liquids shall not exceed 1,100 gallons (4163.9L). Tanks shall be constructed in accordance with Section 5704.2.

Exception: Protected above-ground tanks meeting the requirements of Section 2306.2.3.

### **LIQUIFIED PETROLEUM GASES**

#### SECTION 10-56101.3. CONSTRUCTION DOCUMENTS.

Section 6101.3 of the California Fire Code is amended to read:

6101.3. Construction Documents. Where a single container or aggregate of containers is more than 125 gallons in water capacity, the installer shall submit construction documents for such installation.

### **HISTORIC BUILDINGS**

#### SECTION 10-5-8-103. HISTORIC BUILDINGS.





Section 8-103.3 of the California Historical Building Code (CHBC) is amended to read:

8-103.3 Liability. Prevailing law regarding immunity of building and fire officials is unaffected by the use and enforcement of the CHBC.

8-104.4 Local agency fees. The City and any local agencies, when involved in the appeal, may also charge affected persons reasonable fees not to exceed the cost of obtaining reviews and appeals from the Board.

8-302.1 Existing use. The specific use or character of occupancy of a qualified historical building or property, or portion thereof, may be permitted to continue in use regardless of any period of time in which it may have remained unoccupied or in other uses, provided such building or property otherwise conforms to all applicable requirements of the CHBC.

8-302.2 Change in occupancy. The use or character of the occupancy of a qualified historical building or property may be changed from or returned to its historical use or character, provided the qualified historical building or property conforms to the requirements applicable to the new use or character of occupancy as set forth in the CHBC and Fresno Municipal Code sections 10-50903.1 through 10-50903.3.5.1.2. Such change in occupancy shall not mandate conformance with new construction requirements as set forth in regular code.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Fresno hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, regardless if any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

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STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 9<sup>th</sup> day of January, 2014.

AYES : Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval : N/A, 2014  
Mayor Approval/No Return: January 22, 2014  
Mayor Veto: N/A, 2014  
Council Override N/A, 2014

YVONNE SPENCE  
City Clerk

BY: *Yvonne Spence*  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: *[Signature]*  
SHANNON L. CHAFFIN  
Senior Deputy City Attorney

SLC:cg;63369cg/ORD;12/4/13



January 9, 2014

RECEIVED

Council Adoption: 1/9/2014  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ASHLEY SWEARENGIN  
FROM: YVONNE SPENCE, CMC  
City Clerk

14 320  
JAN 22 AM 10:38  
CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 1/9/14, Council adopted the attached Ordinance No. 2014-2 entitled **Incorporating and adopting express findings of necessity related to local climatic, topographical, and geological conditions, which make the City's amendments to the California Mechanical Code reasonably necessary**, Item No. 1K3, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong  
Noes : None  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before January 21, 2014. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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APPROVED/NO RETURN: \_\_\_\_\_

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Ashley Swearengin, Mayor

Date: \_\_\_\_\_

COUNCIL OVERRIDE ACTION:

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :