

**ORDINANCE NO. 27-2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
REPEALING AND REPLACING ELK GROVE MUNICIPAL CODE CHAPTER 17.04  
RELATING TO UNIFORM FIRE CODE AND ADOPTING BY REFERENCE  
THE 2016 CALIFORNIA FIRE CODE**

The City Council of the City Of Elk Grove, California does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to adopt by reference the 2016 edition of the California Fire Code, Title 24 – Part 9; of the California Code of Regulations subject to the definitions, clarifications, and the amendments set forth in this Ordinance. The Purpose of this Ordinance is also to provide minimum requirements and standards for the protection of public safety, health, property and welfare of the City of Elk Grove. This Ordinance is adopted under the authority of Government Code subsection 50022.2 and Health and Safety Code Section 18941.5.

Section 2: Findings

**California Environmental Quality Act (CEQA)**

Finding: No further environmental review is required under the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

Evidence: CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Section 15061 (b)(3) of Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies to projects which “have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The proposed change repeals and replaces the California Fire Code in the Elk Grove Municipal Code. Because this action does not have the potential to result in individually or cumulatively significant effects on the environment, this Municipal Code amendment is exempt from review under CEQA. Therefore, this change is not subject to CEQA review at this time under the General Rule and no further environmental review is necessary.

Section 3: Repeal of Elk Grove Municipal Code Chapter 17.04 Uniform Fire Code

Chapter 17.04 of the Elk Grove Municipal Code is hereby repealed.

Section 4: Adopt the new Elk Grove Municipal Code Chapter 17.04 Related to the California Fire Code

Elk Grove Municipal Code Chapter 17.04 is hereby adopted to read:

**Chapter 17.04  
CALIFORNIA FIRE CODE**

**Sections:**

**17.04.010 Adoption of California Fire Code.**

**17.04.020 Enforcement.**

**17.04.030 Definitions.**

**17.04.040 Appeals.**

**17.04.050 Penalties.**

**17.04.060 High explosives.**

**17.04.070 Public safety radio building amplification system.**

**17.04.080 Flammable and combustible liquids and liquefied petroleum gases – Permits.**

**17.04.090 Structural fires.**

**17.04.010 Adoption of California Fire Code.**

The City hereby adopts in its entirety, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the 2016 California Fire Code, Title 24, California Code of Regulations (the “Fire Code”). The Code is on file with the Chief Building Official of the City of Elk Grove.

**17.04.020 Enforcement.**

The Chief of the Cosumnes Community Services District Fire Department or his or her designee shall have authority to enforce this Chapter and issue citations for violations of the Fire Code, as adopted herein.

**17.04.030 Definitions.**

A. “Fire Code” shall mean the California Fire Code, Title 24, California Code of Regulations, Part 9.

B. “Fire Code Official” shall mean an individual designated by the Chief to enforce some aspect of the Fire Code

C. “Municipality” shall mean the City of Elk Grove.

D. "R-3" shall mean single family residences.

E. "Chief" shall mean the Chief of the Cosumnes Community Services District Fire Department or his or her designee, unless otherwise specified in this Code.

**17.04.040 Appeals.**

Any person aggrieved by any decision or action of the Chief may appeal to the Cosumnes Community Services District, pursuant to procedures implemented by the Cosumnes Community Services District.

**17.04.050 Penalties.**

A. Any person who does any of the following shall be guilty of a misdemeanor:

1. Fails to comply with the provisions of the Fire Code; or
2. Violates or fails to comply with any lawful order made by the Chief; or
3. Builds a structure in violation of any detailed statement of specifications or plans related to fire safety; or
4. Fails to comply with a lawful fire safety order as affirmed or modified by the Board of Directors of the Cosumnes Community Services District.

B. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all persons shall be required to correct or remedy such violation or defects within a reasonable time as determined by the Chief. When not otherwise specified each day or portion thereof during which any violation occurs or continues shall constitute a separate offense.

C. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**17.04.060 High explosives.**

In accordance with the provisions of Division 11, EXPLOSIVES, Part 1, HIGH EXPLOSIVES, of the Health and Safety Code (Sections 12000 through 12401), the Chief of Police shall have the primary responsibility for the enforcement of the provisions therein. Whenever references to explosives are found in the 2016 edition of the California Fire Code, the enforcing authority shall be the Chief of Police. Any references in the Fire Code to the "Chief" in Sections referencing explosives shall be a reference to the Chief of Police.

#### **17.04.070 Public safety radio building amplification system.**

A. Requirement for Approved Emergency Responder Radio Coverage in Buildings. All buildings shall have approved indoor radio coverage for emergency responders. Except as otherwise provided, no person shall erect, construct, change the use of or provide an addition of more than twenty (20%) percent to, any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for the City of Elk Grove and Sacramento Regional Fire and Emergency (SRFECC) radio communication system. Determining the existence of approved radio coverage and the correction of any deficiencies shall be the responsibility of the building owner. Existing buildings, buildings of one (1) or two (2) single-family dwellings, or those below minimum areas as determined by the Fire Code Official may be exempted from this requirement by the Fire Code Official.

B. Approved Radio Coverage. Approved radio coverage shall conform to the current standards of the Cosumnes Fire Department. These standards shall define the acceptable indoor signal levels to provide ninety (90%) percent reliability of the Elk Grove and SRFECC Public Safety Radio System inside structures. The Fire Code Official may determine exceptions and additions to these standards as required to protect the integrity of the public safety radio system and provide acceptable signal levels in structures critical to public health and safety.

C. Indoor Public Safety Radio Enhancement Systems. Any indoor public safety radio enhancement system must comply with current standards set by the Cosumnes Fire Department, and the regulations of the Federal Communications Commission. Systems shall be inspected, maintained, and modified as necessary to provide approved emergency responder radio coverage. If changes in FCC regulations or modifications to the Cosumnes Fire Department and SRFECC Public Safety Radio System require modifications to a public safety radio enhancement system, the building owner shall make necessary changes to conform to the existing standard.

1. Annual Tests. When an in-building radio system is required, the building owner shall test all active components of the system, including but not limited to amplifiers, power supplies and backup batteries. Testing shall occur at a minimum of once (1) every twelve (12) months. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance. Backup batteries and power supplies shall be tested under load for a period of one (1) hour to verify that they will properly operate during an actual power outage. If within the one (1) hour test period, in the opinion of the testing technician, the battery exhibits symptoms of failure, the test shall be extended for additional one (1) hour periods until the testing technician confirms the integrity of the battery. All other active components shall be checked to determine that they are operating within the manufacturer's specifications for the intended purpose.

2. Five (5) Year Tests. In addition to the annual test, the building owner shall perform a radio coverage test a minimum of once (1) every five (5) years to ensure that radio system continues to meet the requirements of the original acceptance test. The procedure set forth above shall apply to such tests.

3. Qualifications of Testing Personnel. All tests shall be conducted, documented and signed by a person in possession of a current FCC license, or a current technician certification issued by the Associated Public Safety Communications Officials International (APCO) or the Personal Communications Industry Association (PCIA). All test records shall be retained on the inspected premises by the building owner and a copy submitted to the Fire Code Official.

D. Field Testing. Police and Fire Code Official, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field-testing to be certain that the required level of radio coverage is present.

E. Exemptions. This section shall not apply to buildings less than five thousand (5,000 ft<sup>2</sup>) square feet or any R-3 occupancy.

**17.04.080 Flammable and combustible liquids and liquefied petroleum gases – Permits.**

Applications for permits for the installation or modification of above ground tanks for the storage of flammable and combustible liquids shall be made to the City of Elk Grove's Building Safety Division, and to the Cosumnes Fire Department Fire Prevention Bureau.

Files, records, and copies of all permits shall be kept in the Building Safety Division and will be available on request. The Building Safety Division shall instruct the applicant as to the necessity of also obtaining concurrent approval from the Cosumnes Fire department for issuance of a permit.

Applicants for permits for the installation or modification of underground tanks for the storage of hazardous materials, including flammable and combustible liquids, shall be made to the Environmental Management Department of Sacramento County as required, the Building Safety Division of the City of Elk Grove, and the Cosumnes Fire Department.

Applications for permit for the installation or modification of liquefied petroleum gases shall be made to the Building Safety Division of the City of Elk Grove, and the Cosumnes Fire Department.

**17.04.090 Structural fires.**

All structures, which have suffered damage by fire must be inspected before any repairs thereto are made. A permit covering the structural, electrical and plumbing repairs shall

be obtained from the City of Elk Grove. The Chief shall report all such structural fires to the City of Elk Grove within twenty-four (24) hours after the occurrence of such fire.

Section 5: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 7: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its passage. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption date by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**ORDINANCE:**       **27-2016**  
**INTRODUCED:**     December 14, 2016  
**ADOPTED:**  
**EFFECTIVE:**

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STEVE LY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

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