

ORDINANCE NO. 27-2010

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REPEALING AND REENACTING CHAPTER 17.04 OF TITLE 17 OF THE CITY OF ELK GROVE MUNICIPAL CODE RELATING TO FIRE PREVENTION AND ADOPTING BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND THE 2010 CALIFORNIA FIRE CODE, BASED ON THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE

WHEREAS, pursuant to California Government Code Section 50022.1 *et seq.* the City of Elk Grove ("City") may adopt by reference the 2010 California Fire Code, based on the International Fire Code, 2009 Edition, with errata, published by International Code Council (ICC), as adopted by the State of California pursuant to Title 24, Part 9 of the California Code of Regulations ("2010 California Fire Code"); and

WHEREAS, California Health & Safety Code Section 17958.5 and 18941.5 authorize cities to adopt the 2010 California Fire Code with changes and modifications determined to be reasonably necessary because of local climatic, topographic or geologic conditions; and

WHEREAS, the City desires to adopt the 2010 California Fire Code, based on the International Fire Code, 2009 Edition, with errata, published by International Code Council, with necessary amendments to assure the 2010 California Fire Code is tailored to the particular fire protection needs of the City as required by local climatic, topographic and geologic conditions and assure that a maximum level of fire protection is provided to residents, businesses and other occupants; and

WHEREAS, the City also desires to adopt the International Fire Code, 2009 Edition, with errata, published by the International Code Council, with necessary amendments to assure that the maximum level of fire protection is provided to residents, businesses and other occupants; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred; and

WHEREAS, the Council desires to have this ordinance take effect immediately in order to protect the public's health, safety and welfare.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

CHAPTER 17.04 CITY OF ELK GROVE MUNICIPAL CODE RELATING TO FIRE PREVENTION

Section 1: Purpose And Authority.

The purpose of this Ordinance is to repeal and reenact Chapter 17.04 of the Elk Grove Municipal Code under the authority granted to cities by Health and Safety Code sections 17958.5 and 18941.5.

Section 2: Findings.

On January 1, 2011 California Code of Regulations Title 24, Part 9 "California Fire Code 2010" becomes law. This law sets minimum building safety standards as they apply to fire prevention in building construction. Local agencies may amend this law to provide for more stringent standards only if they have adopted the law locally, as is being requested here.

Historically the City of Elk Grove, in cooperation and consultation with the Cosumnes Fire Department, has adopted language that is stricter than state code in certain areas. This is done to provide for the utmost protection to the public the code can provide.

In order for previously adopted standards as well as any new amendments proposed here to continue without a gap in enforceability, adversely affecting public health and safety, the Council must adopt this urgency ordinance to take effect January 1, 2011 simultaneously with the State law.

Section 3: Amendment.

Chapter 17.04 of the Elk Grove Municipal Code is hereby repealed and reenacted in its entirety to read as follows:

Section 17.04.010 Adoption of Fire Code.

There is hereby adopted by the City Council of the City of Elk Grove for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Fire Code, Title 24, California Code of Regulations, Part 9, incorporating the International Fire Code published by the International Code Council, being particularly the 2009 Edition, including the appendices thereof, and the International Fire Code Standards published by the International Code Council, being particularly the 2009 Edition, and the wholes thereof, save and except such portions as hereinafter deleted, modified or amended herein. Not less than one (1) copy of such code has been and now is filed with the Clerk of the City of Elk Grove.

Section 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 this Code.

Section 17.04.030 Findings.

The Findings of Fact are filed separately with the California State Fire Marshal's Office, State Department of Housing and Community Development and the City of Elk Grove.

Section 17.04 040 Definitions.

- A. Whenever the word "International Fire Code" is used in this ordinance, it shall mean the California Fire Code, Title 24, California Code of Regulations, Part 9, incorporating the 2009 Edition of the International Fire Code.
- B. Wherever the word "municipality" is used in the International Fire Code, it shall mean the City of Elk Grove.
- C. Wherever the words "Chief" or "Chief of the Bureau of Fire Prevention" are used in the International Fire Code, they shall mean the Chief of the Cosumnes Community Services District Fire Department or his or her designee.

Section 17.04.050 Modifications.

The Chief or his/her designated representative may modify any of the provisions of the International Fire Code upon application in writing by the owner or lessee, or his/her duly authorized agent, when the Chief or his/her designated representatives determine there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief or his/her designated representative thereof shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

For the purposes of this section, the cost of compliance with the provisions of this Code shall not constitute a practical difficulty.

Section 17.04.060 Appeals.

Any person aggrieved by any decision or action of the Chief may appeal to the Board of Directors of the Cosumnes Community Services District, by filing a written notice of appeal with the Clerk of the Board of Directors within thirty (30) days from the date such decision or action was taken.

Section 17.04.070 New materials, processes or occupancies which may require permits.

The Chief may appoint two members from his/her staff to act as a committee to determine and specify, after giving affected persons an opportunity to be heard at an office hearing, any new material, processes or occupancies, which shall require permits, in addition to those now enumerated in the code. The Chief or his/her designated representative shall post such list in a conspicuous place in his/her office, and distribute copies thereof to interested persons.

Section 17.04.080 Penalties.

- A. Any person who violates any of the provisions of this chapter and the code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans hereunder, or who fails to comply with such

an order as affirmed or modified by the Board of Directors the Cosumnes Community Services District or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation be guilty of an infraction. Any person who violates Appendix Chapter 1, Section 109.2.3.1 Citations, Section 109.2.2 Compliance with Orders or Notices, and Section 109.2.4 Unauthorized Tampering shall be guilty of a misdemeanor. The imposition of one 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 to be determined by the Chief on a case-by-case basis. When not otherwise specified each day or portion thereof during which any violation occurs or continues shall constitute a separate offense.

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

Section 17.04.090 Amendments to the International Fire Code.

- A. Chapter 1, Section 101.1 of the 2010 California Fire Code is hereby amended to read as follows:

These regulations shall be known as the *Fire Code* of the City of Elk Grove, hereinafter referred to as "this code".

- B. Chapter 1, Section 104.7.2 of the 2010 California Fire Code is hereby amended to add the following:

104.7.2.1 Contract Inspector. The Chief or his/her designated representatives may require the owner or the person in possession or control of the building or premises to provide, without charge to the fire department, a special inspector ("Contract Inspector"), when the department has no technical expertise available to conduct the required inspections.

The Contract Inspector shall be a qualified person who shall demonstrate his/her competence to the satisfaction of the Chief, for inspection of a particular type of construction, operations, fire extinguishing or detection system, or process.

Duties and responsibilities of the Contract Inspector shall include but not be limited to the following:

- i. The Contract Inspector shall observe the work assigned for conformance with the approved design drawings and specifications.
- ii. The Contract Inspector shall furnish inspection reports to the Chief, building official, and other designated persons as required by the Chief. All discrepancies shall be brought to the immediate attention of the contractor for correction, then if uncorrected, to the proper design authority, Chief, and to the building official.
- iii. The Contract Inspector shall submit a final signed report stating whether the work requiring inspection was, to the best of his/her knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of this code.

- C. Chapter 1, Section 106.2 of the 2010 California Fire Code is hereby amended to add the following:

106.2.3 Administrative Costs. When a test or inspection is scheduled and the contractor fails to perform to the satisfaction of the authority having jurisdiction, the authority having jurisdiction may bill the contractor for actual time spent traveling to and from the test/inspection location and the time spent at the test/inspection site as well as administrative costs.

106.2.4 Inspection Record Card. Work requiring Fire Department approval may commence, but the person doing the work shall have posted or otherwise made available an inspection record card such as to allow the Chief to conveniently make the required entries thereon regarding inspection of the work. Work shall not be covered until the required inspections are completed. This card shall remain posted or remain otherwise available by the permit holder until the Chief has granted final approval.

D. Chapter 1, Section 109.2.3 of the 2010 California Fire Code is hereby amended to add the following:

109.2.3.1 Citations.

- i. **Intent.** It is the intent of this division to specify enforcement procedures for the violation of this chapter.
- ii. **Enforcement Procedures.** The Fire Chief shall follow the procedures outlined below in the investigation and enforcement of violations of the title:
 1. **Notice to Comply.** When it is determined by the Fire Chief that a violation of this title exists, all known responsible persons shall be notified by registered or certified mail of the nature of the violation. The notice shall state that such responsible persons have seven working days in which to correct the violation. The Fire Chief may extend the seven working day period if he or she determines reasonable progress is being made to correct the violation.
 2. **Notice to Appear Citation.** The Fire Chief or his or her authorized agent shall issue a notice to appear citation to the responsible party in the following instances:
 - A. When the seven working day period noted in subsection (ii) (1) of this section has lapsed and the violation has not been corrected.
 - B. When the extension period noted in subsection (ii) (1) of this section has lapsed and the violation has not been corrected.
 - C. Immediately upon observing the responsible party committing a violation of this chapter. If, after the notice to appear citation is issued, the responsible party has complied with all applicable provisions of this chapter, the citation may be dismissed by the Fire Chief. The responsible party shall provide proof of correction by the Fire Chief to the court clerk.
- iii. **Infraction.** The responsible person(s) shall be guilty of an infraction if the violation still exists after the seven working day period, or any extensions thereto, has lapsed, or immediately upon being observed in violation of any provision of this chapter. Each day, or portion thereof, the violation still exists shall be a new and separate offense. The first three violations of the same section of the chapter, on the same property, shall be considered infractions and shall be punished as follows:
 1. For the first violation, a fine of one hundred dollars (\$100.00), plus any additional penalties assessed by the court.

2. For the second violation within one year, a fine of five hundred dollars (\$500.00), plus any additional penalties assessed by the court.
 3. For the third violation within one year, a fine of one thousand dollars (\$1,000.00), plus any additional penalties assessed by the court.
- iv. **Misdemeanor.** If the number of violations of the same section of this chapter on the same property exceeds three in any calendar year, the responsible person(s) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as follows:
1. By a fine of not more than one thousand dollars (\$1,000.00); or
 2. By imprisonment in the county jail for a term of not more than six months; or
 3. By such fine and/or imprisonment as noted in subsections (iv) (1) and (2) of this section.
- v. **Disposition of Fines and Fees.** All fines and fees collected under the provisions of this chapter shall be paid into the Cosumnes Community Services District treasury, to the credit of the Fire Department.
- vi. **Notice of Code Violation.**
1. Recording Notice. Whenever the Fire Chief or his or her authorized agent determines that a violation of the regulations specified in this chapter exists, the Fire Chief or his or her authorized agent may record a notice of violation with the office of the county recorder. The owner(s) of record of the property on which the violation is situated and any other person responsible for the violation shall be notified of the recordation. Notice to the owner(s) shall be sent to the address shown on the most recent tax roll. An office hearing with the Fire Chief may be requested within twenty (20) days of receiving the intent to record a notice of code violation.
 2. Releasing Notice. The Fire Chief or his or her authorized agent shall submit a release of notice of code violation to the county recorder when it is determined that non-complying conditions have been corrected or removed. A fee, as set forth in the Elk Grove Fire Code fee schedule, may be charged the property owner for submittal of a release of notice of code violation.

E. Section 202 [E] of the 2010 California Fire Code is hereby amended to add the following:

ELECTRONIC MONITORING SYSTEM shall mean an approved method to electronically detect and transmit to an approved alarm service provider's Type A (listed) Central Station, information indicating that the automatic fire sprinkler system or electronic fire detection system has been activated and shall have the ability to relay the alarm to the (a) Sacramento Regional Fire/EMS Communications Center.

F. Section 315.3 of the 2010 California Fire Code is hereby amended to add the following:

315.3.3 Outside Storage of pallets and other combustibles. The maximum single pile dimension for outside storage of pallets and other combustibles shall be 25ftx100ft or 2,500 sq. ft. The maximum pile height shall be 20 feet. Distance of piles to structures shall not be less than 10 feet.

G. Section 401.5 of the 2010 California Fire Code is hereby amended to add the following:

401.5.1 Cost Recovery. All costs incurred by the fire department related to any response to a false alarm may be charged to that person causing the transmission of the false alarm, or to that person's firm or corporation.

H. Section 503.1.1 of the 2010 California Fire Code is hereby amended to read as follows:

503.1.1 Buildings and facilities. Fire apparatus access roads shall be provided in accordance with Sections 501 and 503 for every facility, building or portion of a building, including residential subdivisions in excess of 30 dwelling units, hereafter constructed or moved into or within the jurisdiction, when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45 720mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility. See also Section 504 for personnel access to buildings.

EXCEPTIONS: The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where:

- i. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of Sections 503.1.1 and 503.2 may be modified by the chief.
- ii. When access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the chief is authorized to require additional fire protection.
- iii. When there are not more than two Group R, Division 3, or Group U Occupancies, the requirements of Sections 503.1.1 and 503.2 may be modified by the chief.

More than one fire apparatus road shall be provided in residential subdivisions in excess of 30 dwelling units and/or when it is determined by the chief that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

For required access during construction, alteration or demolition of a building, see Section 1410.1

I. Section 503.6.1 of the 2010 California Fire Code is hereby added to read as follows:

Section 503.6.1 Emergency Access Gates and Barriers. Where a new gate or barrier is installed across a fire access roadway, it shall be authorized by the Chief and meet the minimum requirements of the County Emergency Access Gates and Barriers Standard. Private driveways on lightly traveled streets as determined by the City of Elk Grove, Department of Transportation or the appropriate public works agency having jurisdiction, serving one single-family residence may be exempt from the scope of the County Standard. Approval of automatic gates or barriers is subject to the owner accepting responsibility for any future programming requirements by the authority having jurisdiction.

J. Section 505.1 of the 2010 California Fire Code is hereby amended to read as follows:

505.1 General. Approved numbers or addresses shall be placed prior to occupying on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. In setting requirements for addressing, the Chief may be guided by the standard published by the City of Elk Grove Building Inspection Division, "Posting of Building Addresses".

505.1.1 Multiple tenant buildings. Multiple tenant spaces serviced by vehicular access to the rear through any driveway, alleyway, or parking lot shall have numbers or addresses placed prior to occupancy on all new and existing buildings as to be plainly visible and legible from the rear access way when deemed necessary by the Chief. Multiple tenant spaces serviced by rear access through a corridor, exit court, or exit yard shall have approved numbers or addresses displayed on the rear of the tenant space, when deemed necessary by the Chief.

Multiple tenant spaces that front on interior walkways or pedestrian malls shall have approved numbers or addresses placed over the entrance door in all new and existing buildings. An illuminated annunciator or directory board shall be required at every entrance where deemed necessary by the Chief.

505.1.2 Illumination. Addressing shall be illuminated at night in all new buildings. Signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance.

K. Section 507.1 of the 2010 California Fire Code is hereby amended to read as follows:

507.1 Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet (450m) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Chief. See Section 507.5.

EXCEPTIONS:

- i. Group R, Division 3 Occupancies provided with an automatic fire sprinkler system approved by the adopted NFPA Standard in areas not provided with a public water supply.
- ii. Group U, Occupancies.
- iii. Water Supplies for Suburban and Rural Fire Fighting. Where the standards of this code cannot be met for development in rural areas, a fire sprinkler system or pressurized water system acceptable to the AHJ shall be acceptable to meet the water supplies required. Such proposals shall also be subject to the following:
 1. The structure is beyond 3,000 (914 M) feet of any existing adequate sized water system. Structures within 3000 (914 M) feet of an existing adequate sized water system, but beyond a water purveyor service area, will be reviewed on an individual basis.
 2. When public or private water becomes available, connection to such a system shall be required.

L. Section 901.7 of the 2010 California Fire Code is hereby amended to add the following:

901.7.7 System maintenance. All individuals or companies installing, repairing, testing, servicing or maintaining sprinkler systems, fire hydrant systems, standpipes, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire protection or extinguishing systems or appliances shall be a fire protection contractor or contractor licensed for said work by the State of California or have the appropriate license required by the California State Fire Marshal's Office or both.

The authority having jurisdiction shall be notified immediately when a fire protection or detection system or portion thereof is found inoperable.

The authority having jurisdiction shall be notified in writing within 72 hours by the person performing repairs, testing, or maintenance when a fire protection or detection system is not in compliance with applicable codes.

When changes involve shutting off water for a considerable number of sprinklers for more than 4 hours, temporary water supply connections shall be made to sprinkler systems so that reasonable protection can be maintained. Protection shall be restored each night in so far as possible. The Chief may require a fire watch while any system is inoperative.

When shorts, failures or other interruptions of service occur within a building's fire alarm system that connects to an approved alarm service provider's Type A (listed) Central Station or is a local alarm only, the Chief may require the system to be disconnected or shunt out the private fire alarm system and/or circuit. When shorts, failures, or other interruption of service occur within a building's fire alarm system that connects to an approved alarm service provider's Type A (listed) Central Station, the Chief may require the system to be repaired and written notification to be provided to the Chief before he or she responds to alarms generated by the system.

Where alarm system(s) are wholly or partially out of service for more than 8 hours, the alarm company having responsibility shall notify the fire dispatch center.

M. Section 903.2 of the 2010 California Fire Code is hereby amended to read as follows:

903.2 Where Required Approved automatic sprinkler systems shall be provided in the locations described below in addition to the locations described in Sections 903.2.1 through 903.2.12.

- C. In every new building where the total floor area exceeds 3,599 square feet (334.48 m²) or greater. Nothing in this subsection shall preclude the use of fire resistive substitutions otherwise permitted under IBC.
- D. An automatic fire sprinkler system shall be installed in any portion of a building where there is a change of occupancy and the floor area of that portion of the building, which is changed, exceeds 3,599 square feet (334.48 m²).
- E. An automatic fire sprinkler system shall be installed in every building when there is an addition to the floor area in existence on the effective date of this ordinance of 20 percent or more within a 12-month period and the aggregate floor area of the building exceeds 3,599 square feet (334.48 m²).
- F. In existing buildings. A fire sprinkler system shall be installed in any portion of an existing building, other than one or two-family dwelling units, where alterations or repairs within any 12-month period exceed fifty percent (50%) of the assessed value of the existing building or structure.

G. For the provisions of this section, two or more buildings existing entirely within the property lines of one parcel shall be considered a single building when exterior wall protection is not provided and the aggregate floor area exceeds 3,599 square feet (334.48 m²).

H. An automatic fire sprinkler system shall be installed in every new building of S-3 occupancy where the total floor area exceeds 2,999 sq ft. (278.72 m²) or greater.

I. For the provisions of this section, area separation walls shall not apply to eliminate the installation of a sprinkler system.

EXCEPTION: Non-combustible, detached canopies open on four sides not exceeding the basic allowable square footage in IBC Table 5B used exclusively for the parking or storage of private or pleasure vehicles and non-combustible storage (includes fuel islands).

N. Section 903.2.13 of the 2010 California Fire Code is hereby amended to add the following:

903.2.13.1 Automatic sprinkler system. A fire sprinkler system shall be provided for all covered floats, marinas, piers, and any/all other covered floating structures that are commercially operated and exceeds 3,599 sq. ft (334.48 m²).

O. Section 903.2.18 of the 2010 California Fire Code is hereby amended to read as follows:

903.2.18. Group U private garages and carports accessory to Group R-3 occupancies. Group U occupancies within 6-feet of a Group R-3, carports with habitable space above and attached garages, accessory to Group R-3 occupancies, shall be protected by residential fire sprinklers in accordance with this section. Residential fire sprinklers shall be connected to, and installed in accordance with, an automatic residential fire sprinkler system that complies with Section R313 of the California Residential Code or with NFPA 13D. Fire sprinklers shall be residential sprinklers or quick-response sprinklers, designed to provide a minimum density of 0.05 gmp/ft² over the area of the garage and/or carport, but not to exceed two sprinklers for hydraulic calculation purposes. Garage doors shall not be considered obstructions with respect to sprinkler placement.

P. Section 903.4 of the 2010 California Fire Code is hereby amended to add the following:

903.4.4 Existing sprinkler systems. All existing automatic sprinkler systems shall be monitored for water flow by an approved alarm service provider's Type A (listed) Central Station.

903.4.5 Valves. When required by the Chief, valves controlling sprinkler systems shall be maintained in an open position by locking the valve open in an approved manner.

Q. Section 903. of the 2010 California Fire Code is hereby amended to add the following:

903.7 Fire control room. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Said room shall contain all system control valves, fire alarm control panels and other fire equipment required by the Chief. Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior. Durable

signage shall be provided on the exterior side of the access door to identify the fire control room.

EXCEPTION: Group R, Division 3 Occupancies.

- R. Section 907.2.3 of the 2010 California Fire Code is hereby amended to read as follows:

907.2.3. Group E. Group E Occupancies shall be provided with fire alarm systems in accordance with Section 907.2.3. Group E, having an occupant load of 50 or more shall be provided with an approved automatic fire alarm system. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. When more than one fire alarm control unit is used, they shall be interconnected and shall operate all indicating devices. Group E Occupancies with an occupant load of 50 persons or less shall have an early-warning device as approved by the fire authority having jurisdiction. Every public, private or parochial school building having an occupant load of 50 or more students or more than one classroom shall have a fire alarm system using the California Uniform Fire Code Signal outlined in the California Education Code, Section 32000 to 32004.

- S. Section 907.7 of the 2010 California Fire Code is hereby amended to add the following:

907.7.1.1 Branch electrical circuits. When providing a fire alarm circuit in a multiple occupancy type building (multiple metering), the circuit shall be energized from the house meter panel board.

When a separate source of power (i.e. emergency generator) is provided the fire alarm circuit shall be energized from the emergency panel board.

- T. Section 907.7.5 of the 2010 California Fire Code is hereby amended to read as follows:

907.7.5 Monitoring. Required alarm systems shall be monitored by an approved alarm service provider's Type A (listed) Central Station as established by Sacramento Regional Fire/EMS Communication Center.

The Central Station monitoring company or approved Alarm Company shall notify the authority having jurisdiction in writing, within 72 hours, of systems that are found not to be in compliance with applicable codes.

Receipt of supervisory signals by the monitoring company require the dispatch of a runner or maintenance person (arrival time not to exceed 1 hour), unless the condition can be restored to normal through the subscriber's efforts.

907..7.5.3 Multi-building or zone monitoring. When a Central Station is monitoring more than one zone or building with a single retransmitter, the Central Station shall identify the particular zone or building or both that is in alarm, where required by the Chief.

Fire Alarm Panels installed at the protected premise shall be capable of differentiating between signals, including water flow, manual, and automatic activating components and transmitting distinctive fire alarm, supervisory and trouble signals.

907.7.5.4 Alarm transmission. The activation of a fire sprinkler system, hood extinguishing system, special extinguishing system or a fire alarm/detection system shall cause the system

to initiate a signal to the Central Station within 90 seconds. Retransmission from the Central Station to the Fire Dispatch Center shall not exceed 60 seconds.

EXCEPTION: Existing buildings without an alarm system which install hood extinguishing systems or special extinguishing systems need not be monitored.

U. Section 3301 of the 2010 California Fire Code is hereby amended to add the following:

3301.1 Scope. For explosives requirements, see Title 19 California Code of Regulations, Chapter 10. For fireworks requirements, see Title 19 California Code of Regulations, Chapter 6 and City of Elk Grove Municipal Code Chapter 4.54.

3301.2 Seizure of Fireworks. The Chief is authorized to 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 local, state, or federal regulations.

V. Section 3308 of the 2010 California Fire Code is hereby amended to add the following:

3308.1 General. The display of fireworks, including proximate audience displays and pyrotechnic special effects in theatrical, and group entertainment productions, shall comply with this chapter and Title 19 California Code of Regulations Chapter 6 – Fireworks.

3308.1.2 Scope. Fireworks and temporary storage, use, and handling of pyrotechnic special effects materials used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with Title 19 CCR, Chapter 6 – Fireworks.

3308.2 Permit Application. Permits are required to conduct a fireworks display as required by local and state regulations. Permit application shall be made not less than 14 days prior to the scheduled date of the display. The permit application shall include a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged; the location of buildings, highways and other lines of communication; the lines behind which the audiences will be restrained; and the location of nearby trees, telegraph or telephone lines and other overhead obstructions. At the time of permit application, the Chief shall be consulted regarding requirements for standby personnel and fire apparatus.

3308.2.1 Sales. Permits are required for the sale and display of "Safe and Sane" approved fireworks as permitted and regulated by City of Elk Grove Municipal Code under Chapter 4.54 as presently constituted, and as hereinafter amended.

3308.2.3 Storage. Storage of fireworks is prohibited except by special permits as required by local and state regulations.

3308.2.4 Pyrotechnic special effects material. A permit is required to manufacture, compound, store or use pyrotechnic special effects material as required by local and state regulations. A permit for use shall be granted only to a licensed pyrotechnic operator.

W. Section 4501 of the 2010 California Fire Code is hereby amended by repealing and replacing NFPA to read as follows:

NATIONAL FIRE PROTECTION ASSOCIATION
Batterymarch Park, Quincy, MA 02269

All NFPA Standards shall be adopted except:

11C	13E	13R	297	473	550	902	1001	1002	1003	1021
1031	1033	1035	1041	1201	1221	1402	1404	1405	1410	1500
1561	1581	1901	1911	1914	1931	1932	1971	1975	1981	1982
1983	1999	1710	1720							

X. Appendix B, Section B105.2 of the 2010 California Fire Code is hereby amended to read as follows:

B105.2 Buildings other than One- and Two-Family Dwellings. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

EXCEPTION:

- i. A reduction in required fire flow of up to 50 percent, as approved by the Chief, is allowed when the building is provided with an automatic sprinkler system approved pursuant to the adopted NFPA Standards. The resulting fire flow shall not be less than 1500 gallons per minute (5677.5 L/min.). Reduction of fire flow does not apply to number of fire hydrants required or duration of fire flow required.
- ii. A reduction in required fire flow of up to 75 percent, as approved by the Chief, for warehouse buildings of Type I, Type II, and Type III-N construction and provided with early suppression fast response fire sprinkler systems. Reduction of fire flow does not apply to number of fire hydrants required or duration of fire flow required.

Y. Appendix C, Section C104 of the 2010 California Fire Code is hereby amended to add the following:

C104.2 Existing single outlet 2 1/2 inch hydrants shall be changed to an approved steamer style hydrant, when a tentative subdivision or parcel map, merge of lots, change of use or change in intensity of use of an existing building, expansion of an existing structure, or construction increases the required fire flow.

C104.3 Where water main improvements are required to meet GPM flow and the existing water main has a single 2 1/2 inch outlet fire hydrant, an upgrade of hydrants will be required.

C104.4 Existing hydrants affected by right of way improvements shall be moved to an approved location at no cost to the fire authority.

Z. Appendix C, Table C105.1 of the 2010 California Fire Code is hereby amended to read as follows:

**TABLE NO. C105.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

FIRE FLOW REQUIREMENT (gpm)	MINIMUM NO. OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS^{1,3,& 4} (Ft.)	MAXIMUM DISTANCE FROM HYDRANT TO ANY POINT ON STREET OR ROADWAY FRONTAGE³ (Ft.)
1750 or less	1	300	150
2000-2250	2	300	150

2500	3	300	150
3000	3	300	150
3500-4000	4	300	150
4500-5000	5	300	150
5500	6	300	150
6000	6	250	150
6500-7000	7	250	150
7500 or more	8 or more ²	200	120

¹Reduce by 150 feet for dead-end streets or roadways.

²One Hydrant for each 1000 gpm or fraction thereof.

³Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants should be provided at not less than 1000 foot (305 m) spacing to provide for transportation hazards. In addition, there shall be at least one hydrant at each intersection.

⁴Average spacing between hydrants may be extended to 500 feet on streets serving one and two family dwellings.

AA. Appendix C of the 2010 California Fire Code is hereby amended to add the following:

SECTION C106 - HYDRANT TYPE

C106.1 The Chief shall approve the type of fire hydrants to be installed in public right of way or on private property prior to any such installation.

SECTION C107 - HYDRANTS - BOTH SIDES OF A STREET

C107.1 Hydrants shall be required on both sides of the street whenever one or more of the following conditions exist:

- i. Streets have median center dividers that make access to hydrants difficult, cause time delay, or create undue hazard or both.
- ii. When there are four or more lanes of traffic.
- iii. Width of street in excess of 88 feet.
- iv. The existing street being widened or having a raised median center divider in the future pursuant to the General Plan Roadway Improvement Plans for the City of Elk Grove.

17.04.100 High Explosives.

In accordance with the provisions of Division 11, EXPLOSIVES, Part 1, HIGH EXPLOSIVES, of the Health and Safety Code (Sections 12000-12401), the Police Chief shall have the primary responsibility for the enforcement of the provisions therein.

Wherever there appears in the 2006 edition of the International Fire Code any rule, regulation or provision that is in conflict with the Health and Safety Code, such rule, regulation or provision is hereby repealed.

17.04.110 Public Safety 800Mhz 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 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 or two 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 90% 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. If required by this code, 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 Elk Grove 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, a minimum of once every 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 1 hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period, in the opinion of the testing technician, the battery exhibits symptoms of failure, the test shall be extended for additional 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-Year Tests. In addition to the annual test, the building owner shall perform a radio coverage test a minimum of once every 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 department officials.
- D. Field Testing. Police and fire personnel, 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 5,000 square feet or any R-3 occupancy.

17.04.120 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 Building Inspection Division of City of Elk Grove, and the fire department having jurisdiction.

Files, records, and copies of all permits shall be kept in the Building Inspection Division and will be available on request. The Building Inspection Division shall instruct the applicant as to the necessity of also obtaining concurrent approval from the 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 Health Branch of the City of Elk Grove, and the fire department having jurisdiction. Files, records, and copies of all permits shall be kept in the Environmental Health Branch and will be available on request. The Environmental Health Branch shall instruct the applicant as to the necessity of also obtaining concurrent approval from the fire department for issuance of a permit.

Applications for permit for the installation or modification of liquefied petroleum gases shall be made to the Building Inspection Division of the City of Elk Grove, and the fire department having jurisdiction, whose decisions shall be final.

17.04.130 Structural Fires.

The Chief shall notify all occupants or owners of structures, which have suffered damage by fire, that such structures or buildings 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 Building Inspection Division. The Chief shall report all such structural fires to the City of Elk Grove Building Inspection Division on a form prescribed by the Division within twenty-four hours after the occurrence of such fire.

17.04.140 Repeal Of Conflicting Ordinances.

All former fire prevention ordinances or parts thereof conflicting or inconsistent with the provision of this ordinance or of the code hereby adopted are hereby repealed.

17.04.150 Validity. The City of Elk Grove hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this ordinance independent of the elimination there from of any such portion as may be declared invalid.

Section 4: Findings.

The City Council hereby finds that the proposed amendments to the 2010 California Fire Code are reasonably necessary because of local climatic, geological, or topographic conditions, and adopts the findings provided below in support of the modifications of the 2010 California Fire Code.

The City Council of the City of Elk Grove hereby adopts pursuant to Sections 17958.5, 17958.7, and 18941.5 of the California Health and Safety Code, the following findings of fact:

- (a) Under this adopting ordinance, specific amendments have been established which are more restrictive of nature than those adopted by the State of California (State Buildings Standards Code, State Housing & Community Development Codes) commonly referred to as Title 24 & Title 25 of the California Code of Regulations. These amendments to the California Fire Code 2010 Edition have been recognized by the City of Elk Grove to address the fire problems, concerns and future direction by which the City can establish and maintain an environment which will afford a level of fire and life safety to all who live and work within its boundary.
- (b) The International Code Council has assumed responsibility for the International Fire Code and International Fire Code Standards. The International Code Council provided a means for participation by all code enforcement officials from throughout the country as well as industry representatives, consultants, and other private parties with an interest in the International Fire Code.
- (c) The International Fire Code, being the 2009 edition thereof, published by the International Code Council nationally recognized compilation of proposed rules, regulations and standards of said Association.
- (d) Said International Fire Code has been printed and published as a Code in book form within the meaning of Section 50022.1 of the Government Code of the State of California.
- (e) Under the provisions of Section 18941.5 of the Health and Safety Code, local amendments are based on climatic, topographical and geological

conditions. The findings of fact contained herein address each of these situations and present the local situation, which either singularly or in combination, caused the aforementioned amendments to be adopted.

1. CLIMATIC

- A. Climate is one of the greatest impacts to fire behavior and other major emergency events because it cannot be controlled. The drying out of wood shakes and wild land fuels in the summer months allows for easy ignition.
- B. The building of homes within the weed covered rural areas and the combustible weeds on vacant urban lots coupled with windy conditions are a recipe for disaster. The Elk Grove climate is an attraction to the area and one reason why significant population growth has occurred. The population growth has impacted service levels causing a fiscal strain on emergency services and the result is increased response times.
- C. The Elk Grove region has extreme variations in weather patterns too. Summers are arid and warm, winters are cool to freezing, fall and spring can bring any combination of weather pattern together. The doubling of average rainfall called an "El Nino" event has occurred from time to time and does cause the grass to mature and grow in excess of six feet high before it dries out. Ten sq. feet of this type of fuel is equivalent to the explosive force of one gallon of gasoline.
- D. Average yearly rainfall for the County is approximately 17.87 inches. This rainfall normally occurs from October to April. Low-level fog (tule fog) is present throughout the winter months, which brings visibility to almost zero feet. The fog delays emergency responders and has caused numerous vehicle accidents including the December 11, 1997, Interstate 5 incident in Elk Grove which involved 36 vehicles and caused 31 casualties including 5 fatalities. The fog can also cause freezing and slick roadways.
- E. During the summer months there is generally no measurable precipitation. Temperatures for this dry period range from 70 to 112 degrees F and are frequently accompanied by light to gusty Delta winds. The relative humidity during summer months range from 2 to 30 mmHG, which is arid. The county contains thousands of acres of grasslands, which, in conjunction with the dry and windy conditions create a hazardous situation, which has lead to extensive grass and brush fires in recent years. More development is extending from the urban core into the grass-covered areas and brush/tree covered creeks such as the Laguna Creek, where every 20-percent increase in slope doubles the rate of fire spread. Wind

driven fires could and have led to serious consequences in similar areas of the state.

- F. In the past, several consecutive years of drought conditions have occurred thus reducing the available water supply. Ground water as well as surface supplies have all been affected. The drought conditions have led to lower water tables, reduced fire flow testing, water contamination, water conservation efforts, and increased demands on water systems due to extreme population growth. These impacts have negatively impacted water use and availability for the fire service. The degradation of water systems reduces the quality of fixed fire protection as well as fire suppression activities. As an example, in 1998, the City of Sacramento lowered its static water pressure from 50 psi to 30 psi. This change will make many fire protection systems ineffective and corrective measures such as adding pressure increasing booster pumps will be necessary at great cost to the community.

2. TOPOGRAPHICAL

- A. The City is bisected by several topographical features, including major rivers and creeks, aqueducts, lakes, sloughs, natural parkways, open space, bridges/overpasses, freeways, railroad tracks, drainage canals, and sprawling industrial facilities, such as Suburban Propane and Apple Computers. Traffic has to be channeled around several of these topographical features and limitations, which creates traffic congestion and delays emergency response. These features are located between many of the Fire Stations located within City of Elk Grove. With the OSHA "two in-two out" rule requiring two fire fighters ready to make fire attack only when two others are present. It is imperative that no delays affect the timely response of the fire fighters.
- B. Heavy traffic congestion on the City's major streets already acts as a barrier to timely response for fire and emergency vehicles. Some roadways are expected to double their traffic flow within the next ten years, and many intersections are already classified service level "F" – worst. In the event of an accident or other emergency at one of the key points of intersection between a road and river or freeway, sections of the City could be isolated or response time could be sufficiently slowed so as to increase the risk of injury or damage.
- C. Preservation of wetland areas, natural parkways, riparian corridors along rivers/streams, vernal pools, open space and endangered species habitat have all contributed to access problems as well as exemption from vegetation abatement programs. These situations, though very environmentally important, do increase the demands

on the fire service due to the extreme fire hazard created by fuel loading and limited access.

- D. Large areas of rural grasslands and with residential development significantly increase response times. Available infrastructure features, such as water supplies, do not provide sufficient fire flow in these areas. The rural geographical areas not yet provided with adequate fire protection are subject to a higher degree of risk without mitigating measures.
- E. The City of Elk Grove is made of several communities, each unique in its own way. Many of these communities are remote. Large land areas lay between the urban core communities which have good fire protection and these communities with limited fire protection resources. The seamless fire protection efforts provided through "mutual aid" agreements allow for each community to support each other but this also reduces coverage of fire stations during first and multiple response incidents. A fire alarm assignment draws up to four engines, three trucks, a water tender in a rural area resulting in the emptying of three fire stations. A home as little as 1,500 sq. ft. can draw a second alarm assignment in some instances. This could take out of service as many as six fire stations. This situation would cause a "move-up" of other fire stations to cover the empty stations. This, up to 15 fire stations could ultimately be affected for a second alarm assignment / dispatch. If the situation is exacerbated through simultaneous calls/events, long term commitments to emergencies, station brown outs, out of service emergency vehicles, etc., extended response times will occur.

3. GEOLOGICAL

- A. The Elk Grove Area is subject to ground tremors from seismic events as the City is in Seismic Zone 3. Water inundation has occurred in the portion that lay in river Delta areas. Intricate levee systems hold back a portion of the floodwater, however, development has moved into areas that have the potential for flooding.
- B. The soil conditions in areas of the City are not conducive to rapid infiltration. Localized street flooding has occurred near City creeks which make access for fire-fighting equipment difficult. Some development has occurred into areas that have the potential for flooding.
 - i. Based on the afore-cited local climatic, topographical and geological conditions, those specific amendments as specified in the amendments to this ordinance for the 2009

International Fire Code of the City of Elk Grove are considered reasonable and necessary modifications to the requirements established pursuant to Section 18941.5. While it is clearly understood that the adoption of such amendments may not prevent the incidence of fire, the implementation of these various amendments to the code attempt to reduce the severity and potential loss of life, property and protection of the environment.

- ii. California Health and Safety Code Section 17958.7 requires that the modifications or changes to the 2010 California Fire Code be expressly marked and identified as to which each finding refers. Therefore, the City of Elk Grove finds that the following table provides code sections that have been modified, and the associated conditions for modification due to local climatic, geological and topographical reasons.

Chapter Number	Local Climatic/ Geological/Topographical Condition
Chapter 1	1 A-F, 2 A-D, 3 A-C
Chapter 2	1 A-F, 2 A-D, 3 A-C
Chapter 3	1 A-F, 2 A-D, 3 A-C
Chapter 4	1 A-F, 2 A-D, 3 A-C
Chapter 5	1 A-F, 2 A-D, 3 A-C
Chapter 9	1 A-F, 2 A-D, 3 A-C
Chapter 33	1 A-F, 2 A-D, 3 A-C
Chapter 45	1 A-F, 2 A-D, 3 A-C
Appendix B	1 A-F, 2 A-D, 3 A-C
Appendix C	1 A-F, 2 A-D, 3 A-C

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, the Cosumnes Community Services District 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 enforced.

Section 7: Savings Clause.

The provisions of this chapter shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 8: Effective Date and Publication –Urgency Ordinance.

This ordinance shall take effect January 1, 2011 as an urgency ordinance. The need for this ordinance to be in effect simultaneously with the state law is necessary to protect public safety. For this reason the City Council finds that the immediate passage of this ordinance is necessary for the immediate preservation of the public health and safety of the City.

ORDINANCE: 27-2010
INTRODUCED: December 8, 2010
ADOPTED: December 8, 2010
EFFECTIVE: January 1, 2011



SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDRGEN, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Date signed: December 13, 2010

**CERTIFICATION
ELK GROVE CITY COUNCIL URGENCY ORDINANCE NO. 27-2010**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing urgency ordinance, published and posted in compliance with State law, was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 8, 2010 by the following vote:

AYES : **COUNCILMEMBERS:** *Scherman, Detrick, Cooper, Davis, Hume*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Jason Lindgren, City Clerk
City of Elk Grove, California**