

**ORDINANCE NO. 20-01**

AN ORDINANCE OF THE MORAGA-ORINDA FIRE DISTRICT OF CONTRA COSTA COUNTY, CALIFORNIA, ADOPTING, THE 2019 EDITION OF THE CALIFORNIA FIRE CODE (WITH CERTAIN AMENDMENTS) AND BY REFERENCE, THE INTERNATIONAL FIRE CODE, 2018 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

The Board of Directors, as the governing body of the Moraga-Orinda Fire District does ordain as follows:

**Part 1. ADOPTION OF THE CALIFORNIA FIRE CODE.**

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion or hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Moraga-Orinda Fire District are hereby referred to adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

The Moraga-Orinda Fire District does hereby adopt the California Fire Code–2019 edition, including Appendices A, B, BB, C, CC, D (as amended), H and by reference, the International Fire Code as published by the International Code Council being particular the 2018 edition and thereof and whole thereof, save and except such portions as are hereinafter added, modified or amended by Part 2 of this ordinance is hereby adopted pursuant to Section 13869 of the California Health and Safety Code and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Moraga-Orinda Fire District, in the state of California,

Repealing Ordinance No. 16-02 of the Moraga-Orinda Fire District; and all other Ordinances and parts of the Ordinances in conflict therewith.

**Part 2. AMENDMENTS TO THE CALIFORNIA FIRE CODE.**

The 2019 California Fire Code is amended by the changes, additions and modifications set forth in this Section 2. Chapter and Section numbers used below are those of the 2018 International Fire Code.

**CHAPTER 1 ADMINISTRATION**

Section 101.1 is amended to read:

**101.1 Title.** These regulations shall be known as the Fire Code of the Moraga-Orinda Fire District, hereinafter referred to as “this code.”

Section 102.1 is amended by adding item 5 to read:

**102.1 Construction and design provisions.** The construction and design provisions of this code shall apply to:

**5.** Where not otherwise limited by law, the provisions of this Code shall apply to vehicles, ships, boats, and mobile vehicles when fixed in a specific location within the boundaries of this jurisdiction.

Section 105.4.3 Applicant Responsibility has been amended to read:

**105.4.3.1 Responsibility of Permittee.** It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and that the shop drawings are complete and in compliance with the applicable codes and standards. Building Permits shall be presumed by the District to incorporate all of the work that the applicant, the applicant's agent, employees and/or contractors shall carry out. Said proposed work shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No City, Town or County approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

Section 105.6 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 105.6.1 through 105.6.55.

Section 105.6 is amended to add subsections: 105.6.52 through 105.6.55:

**105.6.52 Battery systems.** A permit is required to operate stationary storage battery systems having the capacities exceeding the values shown in Table 1206.2 pursuant to Section 1206.

**105.6.53 Christmas tree sales.** A permit is required to use a property for the purpose of selling cut Christmas trees.

**105.6.54 Model rockets.** A permit is required to sell or launch model rockets pursuant to California Code of Regulations Title 19, Division 1 Article 17.

**105.6.55 Temporary water supply.** A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3312.1.

Section 105.7 is amended to add:

**105.7 Required construction permits.** The fire code official is authorized to issue construction permits for operations set forth in Chapter 1, Sections 105.7.1 through 105.7.29.

Section 105.7.26 has been added to read:

**105.7.26 Medical gas systems.** A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 5306.

Section 105.7.27 has been added to read:

**105.7.27 Access for fire apparatus.** A construction permit is required to install, improve, modify or remove public or private roadways, driveways and bridges for required fire apparatus access pursuant to Section 501.3.

Section 105.7.28 has been added to read:

**105.7.28 Subdivision of land.** A construction permit is required for any subdivision of land within the District. Plans shall be submitted for all land developments and/or improvements proposed within the District.

Section 105.7.29 has been added to read:

**105.7.29 Water supply for fire protection.** A construction permit is required for water supply for fire protection. Plans shall be submitted to determine adequate water supplies and fire hydrants are provided for all facilities, buildings or portions of buildings either constructed or moved into the District pursuant to Section 507.

Section 109.1 is amended to read:

**109.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a Board of Appeals. The Board of Appeals is comprised of the Board of Directors. The fire code official shall be an ex officio member of said Board but shall have no vote on any matter before the board. The board may adopt rules of procedure for conducting its business, and The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official. The decision of the board of appeals shall be final.

Section 110.1 is amended to read:

**110.1. Unlawful acts.** It shall be unlawful and a public nuisance for a person, firm, corporation, or other entity to erect, construct, alter, repair, remove, demolish, or utilize a building, occupancy, premises, or system, equipment, or process regulated by this code, or cause same to be done, or maintain such condition, in conflict with or in violation of any of the provisions of this code, District ordinance or resolution, or other lawful order of the Board of Directors or fire code official.

Section 110.4 is amended to read:

**110.4 Violation penalties.** . Any person, firm, corporation, or other entity that causes, permits, maintains or allows a violation of any provision of this code or fails to comply

with any of the requirements thereof or who erects, installs, alters, repairs or does or causes to be done work in violation of the approved construction documents or directive of the fire code official, *or* of a permit or certificate used under provisions of this code, shall be subject to the criminal sanctions set forth in Health and Safety Code section 13871. Each day that a violation continues after such due notice has been served shall be deemed a separate offense.

Section 112.4 is amended to read:

**112.4 Failure to comply.** Any person 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 a fine of not less than 500 dollars or not more than 5,000 dollars.

## **CHAPTER 2 DEFINITIONS**

Section 202 is amended by adding the following definitions:

**ABATEMENT COSTS.** Any and all costs incurred by the District to abate hazardous vegetation or combustible material on any property pursuant to this ordinance, including physical abatement costs, administration fees, technical reports or surveys, and any other actual costs incurred by the District for the abatement proceeding, including attorney's fees, if applicable.

**ADMINISTRATOR.** The Fire Chief or his/her designee.

**ALL WEATHER DRIVING SURFACE.** A roadway designed to carry the imposed weight loads of fire apparatus with asphalt, concrete or other approved surface.

**BOARD OF DIRECTORS.** The governing body of the District.

**COST OF ABATEMENT.** All expenses incurred by the jurisdiction in its work of abatement undertaken and administrative costs pursuant to Section 325.5.4 of this Ordinance.

**COMBUSTIBLE MATERIAL.** Rubbish, litter or material of any kind other than hazardous vegetation that is combustible and endangers the public safety by creating a fire hazard as determined by the fire code official.

**DEFENSIBLE SPACE.** The area adjacent to a structure or dwelling as determined by the fire code official where wildfire prevention or protection practices are implemented to provide the key point of defense from an approaching wildfire or to minimize the spread of a structure fire to wildlands or surrounding areas.

**DISTRICT BOARD.** The Board of Directors of the District.

**EMERGENCY VEHICLE ACCESS (EVA).** Shall mean an approved access meeting the requirements for fire district apparatus use and shall be restricted for the use of emergency vehicles.

**EXTERIOR FIRE HAZARD INSPECTION.** A property inspection intended to identify hazard areas and evaluate the risk to life and structures from exterior fires.

**FIRE APPARATUS ACCESS ROAD.** A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term that includes, but is not limited to a fire lane, public street, private street, driveway, parking lot lane, and access roadway.

**FIRE BREAK.** Means a continuous strip of land upon and from which all vegetation has been removed to bare mineral soil. This area is used to stop the spread of or extension of fire from one area to another.

**FIRE CODE OFFICIAL.** The Fire Chief or a duly authorized representative, or other person as may be designated by law, appointment or delegation and charged with the administration and enforcement of this code.

**FIRE HAZARD.** Any condition or conduct which: (a) increases or may increase the threat of fire to a greater degree as determined by the fire code official (b) may obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

**FIRE PROTECTION PLAN.** A document prepared for a specific parcel, project or development. This document shall address ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing impact on the community's fire protection delivery system. It shall be prepared by the applicant when required by the fire code official. It must be approved by the fire code official. Instances where a fire protection plan could be required:

1. A project is unable to meet fire code requirements due impracticality and requests alternate means and measures.
2. A project has 5 or more new single family homes with surrounding undeveloped land or open space.

Exception: A fire protection plan will not be required for high-density infill projects.

**FIRE TRAIL.** A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing extension of fire from one area to another.

**FUEL BREAK.** A strategically located block or strip, on which a cover of dense, heavy, or combustible vegetation has been changed to one of lower fuel volume or reduced combustibility, as an aid to fire control. Fuel breaks require annual and recurring maintenance.

**HAZARDOUS VEGETATION.** Vegetation that is combustible and endangers the public safety by creating a fire hazard including but not limited to seasonal and recurrent grasses, weeds, stubble, brush, dry leaves, dry needles, dead, dying or diseased trees and any other vegetation as determined by the fire code official.

**IMPROVED PARCEL.** A portion of land of any size, the area of which is determined by the legal lot of record and may be identified by an Assessor's Parcel Number upon which a structure is located.

**LADDER FUEL.** Fuel that provides vertical continuity between surface fuel and canopy fuel strata, increasing the likelihood that fire will carry from surface fuel into the crowns of shrubs and trees.

**PARCEL.** A portion of land of any size, the area which is determined by the legal lot of record (Reference Health and Safety Code 14883).

**PERSON.** Includes; individuals, firms, partnerships, and corporations.

**PUBLIC NUISANCE.** A declaration by the fire code official that the presence of combustible materials on any parcel creates a fire hazard or threat to public safety (Health and Safety Code 14875 and 14876) or any violation of this code.

**RUBBISH.** Waste matter, litter, trash, refuse and debris on streets or private property in the jurisdiction which is, or when dry, is combustible and may become a fire hazard.

**STRUCTURE.** That which is built or constructed.

**SUBSTANTIAL ADDITION, EXPANSION, REMODEL OR RENOVATION.** Where the new fire area exceeds 50 percent of the existing fire area.

**SURFACE FUELS** are those on the surface of the ground. They include everything from grasses to logs and stumps. Aerial fuels are fuels that are not in contact with the ground. These include limbs, foliage, and branches, as well as any dead material caught up in the branches of other plants. Needles draped over the branches of shrubs are a good example of an aerial fuel.

**TEMPORARY FIRE DEPARTMENT ACCESS ROAD FOR CONSTRUCTION.** An approved temporary roadway for emergency vehicle use during construction. addition or expansion of a building where the new or modified fire area exceeds 50 percent of the existing fire area.

**TEMPORARY WATER SUPPLY.** A water source stored for firefighting purposes in an approved aboveground tank during combustible construction.

**TREE LITTER.** Any limbs, bark, branches, or leaves left to gather on the ground or the roof of a structure.

**UNIMPROVED PARCEL.** A portion of land of any size, the area of which is determined by the legal lot record and may be identified by an Assessor's Parcel Number and on which no habitable structure is located.

## CHAPTER 3 GENERAL PRECAUTIONS AGAINST FIRE

Section 304.1.2 is amended to read:

**304.1.2. Hazardous Vegetation and Combustible Material.** Weeds, grass, vines, leaves, brush, diseased or dead trees, combustible growth, debris, or rubbish capable of being ignited and endangering property shall be cut down by the owner or occupant of the premises. Clearance of combustibles upon default of the owner or occupant shall be in accordance with Section 325.

Section 308 OPEN FLAMES is amended to adopt entire section.

Chapter 3 is amended to add Section 325 as follows:

### 325 EXTERIOR FIRE HAZARD CONTROL

**325.1 Scope** This section provides provisions intended to identify hazard areas and mitigate the risk to life and structures from wildland fire exposures and fire exposures from adjacent structures and to mitigate fires from spreading to or from wildland fuels that may threaten life, overwhelm fire suppression capabilities, or result in property loss. Section 325 applies to structures with roofs, intended for living, storage or commercial activity. Private sheds or other utility buildings less than 120 square feet which are located more than 30 feet from a habitable structure are exempt. Also exempt are non-habitable structures such as fences, retaining walls, decks, and arbors. Fuel mitigation and defensible space work shall be conducted in a manner that the activities will not result in the taking of endangered, rare or threatened plant or animal species or cause significant erosion and sedimentation of surface waters in accordance with California Environmental Quality Guidelines Section 15304.

**325.1.1 Purpose.** The purpose of this section is to establish minimum requirements in wildland-urban interface areas that will increase the ability of a building to resist the intrusion of flame or burning embers by a vegetation fire, including the identification of hazardous fire areas that require applicable defensible space provisions as set forth by and enforced by the fire code official and applicable state and local fire resistive building standards that are enforced by the local building official and fire code official.

**325.1.2 Jurisdictional authority.** The Board of Directors as the supervising, legislative and executive authority of this jurisdiction has the authority to act pursuant to Part 5 (commencing with Section §14875), Division 12, of the State of California Health and Safety Code, to clear or order the clearing of rubbish, litter or other combustible material where such combustible material endangers the public the safety by creating a fire hazard. Such fire hazard abatement shall be conducted in accordance with the provisions of Part 5 and/or this code. In the application of the provisions of Part 5 to fire hazard abatement proceeding under this code and the Fire Protection District Law of 1961, the terms “Board of Directors” or “Board” when used in Part 5, shall mean the Board of Directors of this jurisdiction under this article; and the officer designated in Section §14890 of Part 5 shall mean the Fire Chief.

**325.1.3 Contract for services.** The Board of Directors reserves and retains the power to award a contract for such fire hazard abatement work where the employees of this jurisdiction are not used to perform such abatement work.

**325.1.4. Technical reports.** The Board of Directors reserves and retains the power to award a contract for a survey or other technical report to determine parcel ownership information in cases of dispute. The parcel owners that are the subject of the report will each pay for one-half the cost of the report, payable to the District upon completion of the report.

Section 325.2 has been added to read:

**325.2 Definitions.**

**The following definitions are defined in Chapter 2:**

**ALL WEATHER DRIVING SURFACE.  
ABATE AND/OR ABATEMENT.  
ABATEMENT COSTS.  
BUILDING.  
COMBUSTIBLE MATERIAL.  
DEFENSIBLE SPACE.  
EXTERIOR FIRE HAZARD INSPECTION.  
FIRE APPARATUS ACCESS ROAD.  
FIRE PROTECTION PLAN.  
FUEL BREAK.  
HAZARDOUS VEGETATION.  
IMPROVED PARCEL.  
LADDER FUEL.  
PARCEL.  
PERSON.  
PUBLIC NUISANCE.  
RUBBISH.  
STRUCTURE.  
TREE LITTER.  
UNIMPROVED PARCEL.  
WEEDS.**

**325.3 Public nuisance.** The Board of Directors, or fire code official may declare that hazardous fire areas, including combustible materials, and hazardous vegetation, upon private property are a public nuisance.

**5.3.1 Seasonal and recurrent nuisance.** If the nuisance is seasonal and recurrent, the Board of Directors shall so declare. Thereafter, such seasonable and recurring weeds shall be abated every year but must be maintained year-round as determined by the fire code official without any further hearing.



**325.4 Unlawful disposal.** Any person who places, deposits or dumps combustible material or hazardous vegetation on a parcel whether or not he/she owns such parcel, is subject to the criminal sanctions set forth in Health and Safety Code Section 13871.

**325.5 Abatement of hazard.**

**325.5.1 Hazardous Vegetation and Combustible Material to be removed.** Parcels are to be maintained free of hazardous vegetation and combustible material.

**325.5.2 Prohibition.** No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous vegetation or combustible material which constitutes a fire hazard as determined by the fire code official.

**325.6 General abatement requirements.** The provisions of this section shall govern the abatement of combustible materials and hazardous vegetation creating a fire hazard upon premises (reference Government Code 51175-51189 and Public Resources Code 4291). The District shall develop minimum abatement standards for land in residential or business, areas, or improved or unimproved parcels of any size, including vacant parcels of any type. Such standards shall be approved by the Board of Directors and may be modified periodically as circumstances dictate.

**325.6.1 Clearance of hazardous vegetation or combustible materials from fire apparatus access roads.** The fire code official is authorized to require areas within 3 feet on each side and 15 feet in height of the paved edge on fire apparatus access roads to be abated of hazardous vegetation and combustible material. On unpaved fire apparatus access roads, the measurement will be from the edge of the improved roadway surface.

**325.6.2 Clearance of Hazardous Vegetation Combustible material from parcels.** All improved and unimproved parcels declared a public nuisance by the Board of Directors shall be abated as determined by the fire code official.

**325.6.2.1** Remove from improved and unimproved parcels all hazardous vegetation and combustible material that are deemed a fire hazard.

**325.6.2.2** Parcels one acre or less (43,560 square feet) shall require abatement of the entire parcel.

**325.6.2.3** Parcels over one acre (43,560 square feet) may be required to comply with the following requirements:

1. Parcels shall provide 30-foot fuel breaks along the perimeter of the property line.
2. Parcels 10 acres or more shall provide a 30-foot cross breaks to divide the parcel into approximately 5-acre sections.
3. Eliminate any ladder fuels that can readily transmit fire in fuel breaks and cross breaks.
4. Provide 100 feet clearance from unimproved parcels to property line of improved adjacent parcels.

5. Provide 100 feet clearance around structures in accordance with 325.6.3.

**325.6.3 Clearance of brush or vegetative growth from structures.** Any person owning, leasing, controlling, operating or maintaining any structure in, upon, or adjoining any hazardous fire area shall at all times maintain defensible space around and adjacent to such structure by removing and clearing away all combustible material for a distance not less than 100 feet from all portions of the structure. Distances may be increased or decreased by the fire code official based on site specific analysis of local conditions.

**Exception:** Single specimens of trees ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy succulents or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire as determined by the fire code official.

**325.6.3.1** Remove that portion of any tree that extends within 10 feet of the outlet of any chimney or stovepipe.

**325.6.3.1.1** Remove hazardous vegetation and combustible material around any outdoor wood burning fire pit, heating or cooking appliance.

**325.6.3.1.2** Annual grasses must be removed or cut to less than 3 inches.

**325.6.3.2** Maintain any tree, shrub, or other plant adjacent to or overhanging any structure free of dead limbs, branches or other combustible material that is determined to be a fire hazard.

**325.6.3.3** Maintain the roof of any structure and roof gutters free of leaves, needles, or hazardous vegetation and other combustible materials.

**325.6.3.4** Maintain trees to remove ladder fuels so that foliage, twigs or branches are greater than 6 feet above the ground or surface fuels within 100 feet of any structure, or within 10 feet of the paved edge of any fire apparatus access road. On unpaved fire apparatus access roads, the measurement will be from the edge of the improved roadway surface.

**325.6.3.5** Maintain 6 feet of vertical clearance between roof surfaces and portions of trees overhanging any structure.

**325.6.3.5.1** All Monterey Pines (*Pinus radiata*) and Eucalyptus (Genus *Eucalyptus*) must be 6 feet or greater, measured horizontally or vertically from any habitable structure.

**325.6.3.6** Maintain all ground areas within 2 feet of the exterior walls of any habitable structure free of combustible ground cover including combustible mulch and barks.

**Exception:** Ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy succulents or similar plants used a ground cover, provided that they do not form a means of readily transmitting fire as determined by the fire code official. MOFD will maintain a list of approved plant species that may be used as ground cover.

**325.6.3.6.1** All native and nonnative plant species next to a habitable structure must be maintained in a manner that removes combustible material within a 2-foot horizontal and 1-foot vertical area, measured from the base of the structure.

**Exception:** Ornamental vegetative species used as ground cover that are irrigated and have a high moisture content and configuration that would not promote or cause a fire to spread from the vegetation to the structure. Brush and other ornamental species may be planted within 2-feet of a structure provided foliage, twigs, and small branches are maintained in a such a manner to create a minimum of 1-foot clearance above the ground or ground cover. MOFD will maintain a list of approved plant species that may be used as ground cover.

**325.6.3.7** Remove all Junipers (genus juniperus) and Bamboo (genus bambusa) within 10 feet of the paved edge of all public and private roads by December 31, 2023.

**325.7 Fire Protection Plan.** A fire protection plan shall be prepared by the applicant when required by the fire code official. All Fire Protection Plans require approval by the Fire Code Official.

**325.8 Cost.** The cost of the fire protection plan preparation and review shall be the responsibility of the applicant.

### **325.9 Abatement procedures.**

**325.9.1 Manner of giving notice.** The fire code official may place a copy of the notice and order to abate in a conspicuous location on the property and shall mail to the property owner as such person's name and address appears on the last county equalized assessment roll. If the address is unknown, that fact shall be so stated, and the property will be physically posted with the notice and order to abate in a conspicuous place or location. Service by mail shall be deemed complete at the time of deposit in the U.S. mail. The failure of any person in possession or owner of the property to receive such notice shall not affect the validity of these proceedings.

**325.9.1.1 Public Notice.** As the first step to achieve compliance, the fire code official will distribute an annual Exterior Fire Hazard Reduction Mailer. This mailer serves as an annual notice to all property owners within the district of the requirement to comply with Sections 304.1 and 325.5. In addition, the mailer provides detailed information regarding steps to take to achieve compliance and reduce fire danger. These mailers will be sent in the spring at least 30 days prior to annual enforcement deadline.

**325.9.1.2 Assessment.** Fire Code Officials will conduct Exterior Fire Hazard Property Assessments beginning on or about June 1st. The fire code official will determine if the property is compliant or non-compliant with Ordinance No. 20-01 Sections 304.1 and 325.5.

Compliant properties will be entered into the Parcel Fire Hazard Assessment System as "Passed" with no further action required. Property owners may also self-report compliance by submitting photos of their property for review by fire code official. Non-Compliant properties will be entered into the Parcel Fire Hazard Assessment System as "Failed" along with the listed violation(s) and uploaded photographs. An Exterior Fire Hazard Assessment letter will be mailed to the property owner as such person's name and address appears on the last county equalized assessment roll,

advising of the existing violation(s) and requests abatement with 30 days. “Failed” properties will be scheduled for inspection no sooner than 30 days after the date of assessment.

**325.9.1.3 Inspection**, Fire code officials will conduct the Exterior Fire Hazard Property Inspection no sooner than 30 days after a property received a “Failed” assessment. The inspector will determine if the property is compliant or non-compliant with Ordinance No. 20-01 Sections 304.1 and 325.5.

Compliant properties will be entered into the Parcel Fire Hazard Assessment System as “Passed” with no further action required. Property owners may also self-report compliance by submitting photos of their property for review by fire code officials.

Non-Compliant properties will be entered into the Parcel Fire Hazard Assessment System as “Failed” and an update of the remaining violation(s) along with additional photographs shall be uploaded. A “Notice to Abate” letter will be mailed to the property owner, as such person’s name and address appears on the last county equalized assessment roll, which advises of the remaining violation(s) and request abatement within 15 days. Failed properties will be scheduled for re-inspection no sooner than 15 days after the Inspection.

**325.9.1.4 Re-Inspection** The Exterior Fire Hazard Property Re-Inspection is the third attempt to achieve compliance. Fire code official will conduct the Exterior Fire Hazard Property Re-Inspection no sooner than 15 days after a property has received a “Failed” Inspection. The inspector will determine if the property is compliant or non-compliant with Sections 304.1 and 325.5. Compliant properties will be entered into the Parcel Fire Hazard Assessment System as “Passed” with no further action required. Non-Compliant properties will be entered into the Parcel Fire Hazard Assessment System as “Failed” and an update on the remaining violation(s) along with additional photographs shall be uploaded. A pre-Lien letter will be mailed to the property owner which advises of the continued violation(s), identifies the date and location at which a hearing will be held by the MOFD Board, and describes the appeals procedure.

**325.9.1.5 Abatement order.** The fire code official of this jurisdiction may order the abatement of hazardous vegetation, combustible material, as described in Sections 304.1 and 325.2. On making the order, the fire code official of this jurisdiction shall mail a copy of a notice/order to the owner of the affected property as he/she and his/her address appear upon the current and last county equalized assessment roll as of January 1 of each calendar year, or as his/her address is known to this jurisdiction. The notice/order is also physically posted upon the affected property in a conspicuous location and published in this jurisdiction, not less than fifteen 15 days prior to the date of the abatement hearing. Copies of the notice shall be headed with the words “Notice to Abate Hazardous Vegetation and Combustible Material” in letters at least one inch high. The notice shall be in substantially the following form:

**325.9.1.6 Notice for seasonal and recurring nuisance.** In the case of hazardous vegetation and combustible material, which have previously been declared to constitute a seasonal and recurring nuisance, a fire code official will physically post a notice on the property and mail a notice to the owner(s) of the property via U.S. mail at the address as it appears on the current assessment roll. The notice will state that hazardous vegetation or combustible material of a seasonal and recurrent nature are located on the property and that they constitute a public nuisance and a fire hazard that

must be abated by removal. If the violation is not removed, it will be abated by the Moraga-Orinda Fire District, in which case the costs of removal, plus an administrative fee will be assessed. to the parcel. The cost will constitute a lien upon the property until paid. No hearing will take place.

**325.9.1.7 Immediate hazard.** When, in the opinion of the fire code official, an extreme fire hazard exists which constitutes an immediate threat to public, safety, and welfare, and it is deemed necessary to abate such hazard as promptly as possible, said fire hazard shall be removed or abated within five (5) days. Notice of the violations and abatement action taken shall be provided within seven (7) business days after such emergency abatement.

**325.9.1.8 Hearing date.** If the owner fails to comply with a notice of violation, a hearing will be held during a regular schedule district board meeting. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his or her agent may appear to show cause why the order should not be enforced. For good cause shown, the Board may extend the time for compliance with the order or may rescind the order. Service by mail shall be deemed complete at the time of deposit in the U.S. mail. The failure of any person in possession or owner of the property to receive such notice shall not affect the validity of these proceedings.

**325.9.1.9 Contract award.** If a contract is awarded, it shall be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. An administrative fee will be attached to the cost of the contracted work to the violator.

**325.9.1.10 Abatement report of costs.** The fire code official or his or her designee abating the nuisance shall keep an account of the cost of abatement located on each separate parcel of land and shall render an itemized report in writing to the Board of Directors showing the cost of removing the hazardous vegetation, combustible material, or public nuisance on or each separate lot or parcel of land, or both. Before the report is submitted to the Board, a copy of it shall be posted for at least three days on or near the entrance door of the Fire Department Administration Headquarters with a notice of the time and when the report will be submitted to the Board for confirmation. The report and notice shall also be posted for the three days in two other public places in the District. At the time fixed for receiving and considering the report, the Board of Directors shall hear it and any objections of any of the property owners liable to be assessed for the work of abatement.

Thereupon, the Board of Directors may make such modifications in the report, as it deems necessary, after which by order of resolution, the report shall be confirmed. The amounts of the cost, including administrative costs, for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed shall constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. The decision of the Board of Directors shall be final.

**325.9.1.11 Cost assessments.** Upon confirmation of the report of cost by the Board of Directors of this jurisdiction and the recordation of the Resolution of Confirmation by the administrator, a copy of the report of cost shall be sent to the County Auditor, who shall enter the amount of the assessments against the parcels. Thereafter the amount of the assessments shall be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same

penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

**325.9.1.12 Fuel breaks.** In lieu of ordering complete abatement, the fire code official of this jurisdiction may order the preparation of fuel breaks around parcels of property where hazardous vegetation and combustible material are present. In determining the proper width for fuel breaks, the fire code official shall consider the height and type of fuels, weather conditions, topography, and accessibility to the property of fire protection equipment.

**325.9.10 Sale or transfer of property.** Before the close of escrow, the seller shall provide to the buyer documentation from the Fire Chief, Fire Code Official or his/ her designee stating that the property is currently in compliance with the exterior hazard abatement section of the Moraga Orinda Fire Code. The fire code official shall have discretion to accept alternate means and measures in the event completion of the required work will delay the sale or transfer of property.

**325.11 Suppression costs.** Any person who negligently, intentionally or in violation of law causes an emergency response by the District, may be liable for the costs of securing such emergency. Any costs incurred by the Fire District in fighting a fire and for the cost of providing rescue or emergency medical services shall be a charge against said person. The charge shall constitute a debt of that person and is collectable by the Fire District incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See State of California Health & Safety Code §13009)

## **CHAPTER 4 EMERGENCY PLANNING AND PREPAREDNESS**

Section 401.5 is amended to add:

**401.5.1 False/nuisance alarm fee.** A fee may be charged for false/negligent alarms according to the adopted fee schedule of the District.

## **CHAPTER 5 FIRE SERVICE FEATURES**

Section 502.1 is amended to add the following definition. The following term is defined in Chapter 2:

### **ALL WEATHER DRIVING SURFACE.**

Section 503 Fire Apparatus Access Roads is adopted.

### **503.1.2 Additional access.**

Section 503.1.2 is amended to add Sections 503.1.2.1, and 503.1.2.2 as follows:

**503.1.2.1 Required access roads for residential developments.** The minimum number of access roads serving residential development(s) shall be based upon the number of dwelling units served as follows:

- 1-20 units, one public or private access road.
- 21-50 units, one public or private access road and one fire apparatus access road as approved by the fire code official.
- 51-100 units, a minimum of two or more public or private access roads and one fire apparatus access road as approved by the fire code official.
- 101+ units, a minimum of 3 public or private access roads and one fire apparatus access road as approved by the fire code official.
- Nothing in this section shall be construed to limit the creation of accessory dwelling units that are otherwise authorized by law.

**503.1.2.2 Access to open spaces.** When access to open land/space or fire trail systems maintained for public or private use is obstructed by new development of any kind, the developer shall provide alternate acceptable access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access requires the approval of the fire code official.

**503.1.2.2.1** Existing fire trail systems shall be maintained. When conditions make maintenance of existing trails impractical, alternate means of access shall be provided and requires approval by fire code official.

Section 503.2.1 is amended to add:

**Section 503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 28 feet (8534 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 15 feet (4572 mm).

Section 503.2.1.1 is added to read:

**503.2.1.1 Road widths for fire department access roads serving 1 or 2 dwelling units.** A fire department access road serving less than three dwelling units may be a minimum of 18 feet (5486 mm) in width if no parking is permitted on the roadway.

Section 503.2.1.2

Section 503.2.1.3 building height is added to read:

**503.2.1.3 Building height.** Fire apparatus access roads shall have a minimum unobstructed width of 36 feet (10,973 mm) in the immediate vicinity of any building or portion of building more than 30 feet (10,668 mm) in height as defined in Appendix D.

**503.2 Specifications.**

Section 502.3 is amended to read:

**503.2.4 Minimum turning radius.** A fire department access road shall have a minimum standard turning radius of 28 feet (8534 mm) inside and a 48 foot (14,630 mm) outside diameter.

Section 503.2.7 is amended to read:

**503.2.7 Grade.** The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus. A fire department access road having a grade between 15% and 20% shall be designed to have a finished surface of grooved concrete to hold 75,000 pounds (34,019 kg) (H-20 Cal-Trans Design Standard). Design for grooved concrete shall be ½ inch (12.7 mm) by ½ inch (12.7 mm) and 1-1/2 inch (38 mm) on center. Grades exceeding 20 percent and cross slopes of greater than 8 percent are not permitted unless approved by the fire code official.

**Exception:** Other approved all weather surfaces may be used if the skid resistance is equivalent to or greater than grooved concrete as certified by a registered engineer, in accordance with ASTM E274 and approved by the fire code official.

Section 503.2.8 is amended to read:

**503.2.8 Angles of approach and departure.** The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

## **505 PREMISES IDENTIFICATION**

Section 505 is amended by adding Section 505.1.2:

Section 507.2 is adopted without amendment:

**507.2 Type of water supply.** A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing fire flow.

**Section 510.3 Permit required is adopted.**

## **CHAPTER 6 BUILDING SERVICES AND SYSTEMS**

### **603.6 Chimneys**

Section 603.6 is amended by adding subsection 603.6.6 to read:

**603.6.6 Sparks from chimneys.** Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators by the Mechanical Code.

## **CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS**

Section 902.1 is amended to add:

**SUBSTANTIAL ADDITION, EXPANSION, REMODEL OR RENOVATION.**



Section 903.2 is amended to read:

**903.2 Where required.** Approved automatic sprinkler systems shall be installed in new non-residential buildings with a fire area that exceeds 3600 square feet and in the locations set forth in sections 903.2.1 through 903.2.12.

**Exceptions:**

Systems which are required to mitigate deficiencies shall be installed in accordance with requirements as deemed necessary by the fire code official.

**Section 903.2.8 Group R is amended to add exception 5.**

**903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

**Exceptions:**

1. See California Fire Code.
2. See California Fire Code.
3. See California Fire Code.
4. See California Fire Code.
5. Detached Group U private garages less than 2000 square feet accessory to a Group R-3 occupancy.

Section 903.3.1.1.3 is added to read:

**903.3.1.1.3 Undeclared use and tenant space.** In buildings of undeclared use or with tenant space areas; the fire sprinkler system may be required to conform to the design density of the most hazardous occupancy use allowed within the building.

Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner/and or tenant occupant to upgrade the system.

Section 903.3.1.2 is amended to add:

**903.3.1.2.1 Eave protection.** Sprinkler protection shall be provided under roof eaves as defined in CBC 702A definitions in Fire Hazard Severity Zones and Wildland Urban Interface Fire Areas.

### **903.3.5 Water supplies.**

Section 903.3.5 is amended to add subsection 903.3.5.3 to read:

**903.3.5.3 Non-permissible water supply storage.** Swimming pools, ponds, and underground cisterns shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.10 is added to read:

**903.3.3.10 System risers.** The location of system risers shall be approved by the fire code official. System risers shall be located in a common area of the protected premises with regards to firefighter access. System risers located inside buildings shall either be located in stairways or in riser closets accessible from common areas.

### **903.6 Where required in existing buildings and structures.**

Section 903.6.1 has been added to read:

**903.6.1 All occupancies except Group R-3.** An automatic sprinkler system shall be provided throughout existing buildings except buildings with a group R-3 occupancy that have an addition or expansion where the new fire area exceeds 50 percent of the existing fire area.

Section 903.6.2 is added to read:

**903.6.2 Group R-3.** An automatic sprinkler system shall be provided throughout all existing buildings containing a group R-3 occupancy that have an addition or alteration where the removal or replacement of 50 percent or greater of the linear length of the walls of the building (exterior plus interior) and 50 percent of the roof are permitted within a one-year period.

Section 903.6.3 is added to read:

**903.6.3 Change in occupancy classification.** Existing non-residential buildings which undergo a change in occupancy classification to higher hazard occupancy shall require the entire building be protected by an automatic sprinkler system installed in accordance with Section 903.3. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category as determined by the fire code official.

## **CHAPTER 10 MEANS OF EGRESS**

Section 1028.5 is amended to add:

**1028.5.1 Exit discharge surface.** Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather and terminate at a public way as defined in the *California Building Code*.

## CHAPTER 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

Section 3301.3 is added to read:

**3301.3 Construction documents.** Construction documents and a schedule for demolition must be submitted to the fire code official when required by the building code official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved by the fire code official.

Section 3301.4 Permits is added to read:

### **3301.4 Permits**

Section 3301.4.1 is added to read:

**3301.4.1** Temporary fire department access road for construction. A permit is required to utilize a temporary fire department access road for construction regulated by Section 3301.2, see Section 105.7.

Section 3301.4.2 is added to read:

**3301.4.2** Temporary water supply. A permit is required to utilize a temporary water supply for construction of residential projects or subdivisions regulated by Section 3312.1, see Section 105.7.

Section 3310.2.1 is added to read:

**3310.2.1 Construction site locks.** Site security gates shall be provided with a District padlock. Application for a District padlock is made through the Fire Prevention Office.

Section 3310.3 is added to read:

**3310.3 Permit.** A permit is required for a temporary fire department access road, see Section 105.7.27.

Section 3310.4 is added to read:

**3310.4 Temporary fire department access road for construction.** The use of a temporary roadway in lieu of permanent roadways is limited to April 15th through October 15th. Timelines may be modified by the fire code official depending on inclement weather conditions.

Section 3310.5 is added to read:

**3310.5 Obstructions to access roads.** Staging of building materials, placement of equipment or parking of worker vehicles shall not take place within the required width of a fire department access road.

## **3312 WATER SUPPLY FOR FIRE PROTECTION**

Section 3312 is amended to add:

**3312.1.1 Permit.** A permit is required for temporary water supplies, see Section 105.7.30.

**3312.1.2 Temporary water supply for subdivisions.** For construction of residential projects or subdivisions an approved temporary water supplies are permitted only for construction of model units.

## **CHAPTER 50 HAZARDOUS MATERIALS-General Provisions**

Section 5001.5.3 is added to read:

**5001.5.3 Emergency response support information.** Floor plan, material safety data sheets, hazardous material inventory statements (HMIS), hazardous material management plans (HMMP) and other information may be stored in cabinets outside of facilities or buildings. Information may be required in a specific electronic media format to facilitate computer aided dispatching.

## **CHAPTER 56 EXPLOSIVES AND FIREWORKS**

Section 5601.3 is amended to read:

**5601.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.** The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the District are prohibited. The definition of fireworks for this section includes snap caps.

### **Exception:**

Firework storage within the jurisdiction of the District is limited to aerial fireworks in conjunction with an approved and permitted aerial display, in accordance with California Code of Regulations, Title 19, Chapter 6.

## **APPENDIX D FIRE APPARATUS ACCESS ROADS**

Appendix D is adopted with the following amendments:

### **SECTION D105 AERIAL FIRE APPARATUS ROADS**

SECTION D105.2 has been amended to read:

D105.2 Width. Aerial fire apparatus roads shall have a minimum width of 36 feet (10973 mm) exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

## **Section D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS**

Section D106.1 has been amended to read:

**D106.1 Multiple-family residential developments.** Multiple-family residential developments shall have the number of access roads required by Section 503.1.2.1.

### **D106.3 REMOTENESS**

The following exception is added Section D106.3:

**Exception:** The fire code official may approve an alternative, circular route of travel with the entrance and exit points closer than required by this section. A fire protection plan shall be submitted addressing Wildfire risk when the fire apparatus access roadways do not meet the remoteness requirement.

## **D107 ONE- OR TWO- FAMILY RESIDENTIAL DEVELOPMENTS**

Section D107.1 is amended to read:

**D107.1 One or two family dwelling residential developments.** One or two family dwelling residential developments shall have the number of access roads required by Section 503.1.2.1.

## **SECTION 4. REPEAL OF CONFLICTING ORDINANCES.**

**13.1 Repeal.** The following Ordinance previously adopted by the Board of Directors is hereby repealed: Ordinance #16-02 Moraga-Orinda Fire District with amendments from the California Fire Code (2016 Edition). Elements of section 325.6.3 that are more restrictive than those adopted via Ordinance #16-02 shall take effect no sooner than January 1, 2021. Until the time these elements take effect, the provisions of MOFD Ordinance #16-02, section 325.6.3, will remain in effect.

## **SECTION 5. VALIDITY.**

**14.1 Validity.** The Board of Directors of the District hereby declares that should any section, paragraph, sentence or work of this Ordinance 20-01 or of the California Fire Code, 2019 Edition and the International Fire Code, 2018 Edition as adopted and amended herein be declared for any reason to be invalid, it is the intent of the Board of Directors of the District that it would have passed all other portions or provisions of this Ordinance independent of the elimination here from any such portion or provision as may be declared invalid.

## **SECTION 6. MORE RESTRICTIVE REQUIREMENTS.**

**15.1 More restrictive requirements.** In the event the City of Orinda, Town of Moraga, or Contra Costa County, adopt more restrictive requirements, or amend those provisions contained herein, those more restrictive or amended requirements shall only apply within the jurisdiction adopting such requirements.

**SECTION 7. DATE OF EFFECT.**

**16.1 Date of effect.** This Ordinance shall become effective on X-X-2020 and within fifteen (15) days of passage, shall be published once with the names of the Directors voting for and against it, in the Contra Costa Times, a newspaper of general circulation in this District. Passed and Adopted on XXXXXX, by the following Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Marcia Holbrook  
District Secretary/Clerk

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Steven Danziger, President  
Board of Directors

1252256.1