

## ORDINANCE NO. 16-02

AN ORDINANCE OF THE MORAGA-ORINDA FIRE DISTRICT OF CONTRA COSTA COUNTY, CALIFORNIA, ADOPTING, THE 2016 EDITION OF THE CALIFORNIA FIRE CODE (WITH CERTAIN AMENDMENTS) AND BY REFERENCE, THE INTERNATIONAL FIRE CODE, 2015 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, 2016 edition, including Appendices A, C, D, and by reference, the International Fire Code as published by the International Code Council being particular the 2015 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. 13-01 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 2016 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 2016 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 city 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 105.6.53

Section 105.6 is amended to add subsections: 105.6.50 through 105.6.53:

**105.6.50 Battery Systems.** A permit is required to operate stationary lead acid battery systems having a liquid capacity of more than 50 gallons (189L) pursuant to Section 608.

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

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

**105.6.53 Temporary water supply.** A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 33.12.1

Section 105.7 is amended to read:

**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 105.7.23

Section 105.7.19 has been added to read:

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

Section 105.7.20 has been added to read:

**105.7.17 105.7.20 Access for fire apparatus.** A construction permit is required to install, improve, modify or remove public or private roadways, driveways, gates and bridges for required fire apparatus access.

Section 105.7.21 has been added to read:

**105.7.21 Construction, alteration, or renovation of a building for which a building permit is required.** A construction permit is required to construct, add to, alter, renovate, rebuild, or move into the jurisdiction a structure for which a building permit is required.

Section 105.7.19 105.7.22 has been added to read:

**105.7.22 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 105.7.22 105.7.23 has been added to read:

**105.7.23 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 501.3.

Section 108.1 is amended to read:

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

Section 109.4 is amended to read:

**109.4. Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate 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 111.4 is amended to read:

**111.4 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 liable 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:

**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 an approved minimum finish of one layer of 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.

**Corporation counsel.** The Attorney for the District.

**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.

**Firebreak.** Shall mean a continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

**Firetrail.** A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

**Parcel.** A portion of land of any size, the area which is determined in the records of the County Assessor (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 a parcel creates a fire hazard (Health and Safety Code 14875 and 14876).

**Response Time.** The elapsed time from receipt of call to the arrival of the first unit on scene.

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

**Rural area.** An area generally designated for agricultural or open space uses with parcels over 10 acres (4.046873ha) in size.

**Rural residential area.** An area generally designated for single family residential use with parcels between 3 (1.2140619ha) and 10 (4.046873ha) acres in size.

**Running time.** The calculated time difference between leaving the first-due station and arriving on the emergency scene.

**Streets.** Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private roads, trails, easements, and fire trails.

**Substantial addition of expansion.** An addition, expansion, remodel, or renovation of any structure where the new fire area exceeds fifty percent of the existing fire area.

**Temporary fire department access road for construction.** An approved temporary roadway for emergency vehicle use during construction.

**Temporary water supply.** A water source stored for firefighting purposes in an approved aboveground tank during combustible construction.

**Tree litter.** Any limbs, bark, branches and/or leaves in contact with other vegetation or left to gather on the ground.

**Weeds.** All weeds growing upon streets or private property in this jurisdiction and includes any of the following:

1. Weeds, which bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral, and any other brush or weeds which, attains such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds which are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth are such as to constitute a menace to public health.
5. Dry grass, stubble, brush, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

**Wildland-Urban interface area.** A geographical area where structures and other human development meet or intermingle with wildland or vegetative fuels.

### **Chapter 3 General Precautions Against Fire**

Section 304.1 is amended to add:

**304.1(h) Vegetation.** Weeds, grass, vines, 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 is adopted

**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 of life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate fires from spreading to wildland fuels that may threaten to destroy life, overwhelm fire suppression capabilities, or result in large property loss.

**325.1.2 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 within and enforced by the fire code official and applicable state and local fire resistive building standards that are enforced by the local building official.

**325.1.3 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 flammable material where such flammable material endangers the public the safety by creating a fire hazard. Such fire hazard abatement shall be conducted in accordance with the provisions of said Part 5 and/or this Ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceeding under this Ordinance 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 or his/her designee

**325.1.4 Contract for services.** This 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.

**Section 325.2 has been amended to read:**

**325.2 Definitions**

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

**All weather driving surface**

**Cost of abatement**

**Parcel**

**Person**

**Public nuisance**

**Rubbish**

**Streets**

**Tree litter**

**Weeds**

## **Wildland-Urban interface area**

**325.3 Public nuisance.** The Board of Directors, Fire Chief or his/her designee may declare that all hazardous fire areas, including any combustible materials and dead trees, upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

**325.3.1 Weeds and rubbish.** The Board hereby declares that all dead trees or weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

**3.25.3.2 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 without any further hearing.

**325.4 Unlawful Disposal.** Every person who places, deposits or dumps combustible material 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 Weeds, dead trees and rubbish to be destroyed or removed.** Parcels are to be maintained free of hazardous vegetation and rubbish.

**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 rubbish or weeds, trees, or other vegetation, which constitutes a fire hazard.

**325.6 General abatement requirements.** The provisions of this section shall govern the abatement of combustible material 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, business, industrial areas, or land which is unused or vacant, in rural or rural residential areas, or regardless of the area in which the property is located. Such standards shall be approved by the Board of Directors and may be modified periodically as circumstances dictate.

**325.6.1 Clearance of brush or vegetative growth from street.** The fire code official is authorized to required areas within 3 feet on each side and 15 feet in height of fire apparatus roads and driveways to be abated of flammable vegetation and other combustible growth.

**Exception:** Single specimens of trees, 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 and not lower than 15 feet vertical clearance in height from the roadway surface.

**325.6.2 Clearance of brush, vegetative growth and combustible material from parcels.** All parcels declared a public nuisance by the Board of Directors shall be cleared entirely of combustible material. If the fire code official determines this impractical, the provisions of 325.6.2 may be used.

**325.6.2.1** Remove from parcel all dead trees vegetative growth and rubbish that are deemed a fire hazard.

**325.6.2.2** Parcels one acre or less (43,530 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 break to divide the parcel into approximately 5-acre sections.

**325.6.3 Clearance of brush or vegetative growth from structures.** Any person owning, leasing, controlling, operating or maintaining any building in, upon, or adjoining any hazardous fire area shall at all times maintain defensible space around and adjacent to such building 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 a ground cover, provided that they do not form a means of readily transmitting fire.

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

**325.6.3.2** Maintain any tree, shrub, or other plant adjacent to or overhanging any building free of dead limbs, branches or other combustible material.

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

**325.6.3.4** Maintain trees within 100 feet of any building or structure or within 10 feet of any portion of any highway, street, ally, or driveway which is improved or used for vehicle travel or other vehicular purposes, so that leafy foliage, twigs or branches are within 5 feet of the ground.

**325.6.3.5** Maintain 5 feet of vertical clearance between roof surfaces and portions of trees overhanging any building or structure.

**325.7 Fire Management Plan.** A Fire Management Plan shall be prepared by the applicant when required by the fire code official.

**325.8 Cost** The cost of the Fire Management Plan preparation and review shall be the responsibility of the applicant.

### **325.9 Abatement procedures.**

**325.9.1 Abatement order.** The fire code official of this jurisdiction may order the abatement of weeds, trees, and rubbish 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 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. As an alternative to mailing, the notice may be posted upon the affected property and published in this jurisdiction, not less than ten (10) days prior to the date of the abatement hearing. Copies of the notice shall be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice shall be in substantially the following form:

#### **NOTICE TO ABATE WEEDS, DEAD TREES AND RUBBISH**

You are hereby notified that weeds, dead trees, and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You are hereby notified to remove the weeds, dead trees and rubbish within ten (10) days from the date of this notice. If you fail to do so, the Moraga-Orinda Fire District will remove it and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid. The lien may prevent the sale of the property and it shall be the responsibility of the property owner upon payment of the property taxes to have the lien removed. Contact the Fire District for a release of lien that must be filed by the property owner at the County Recorder's Office.

You are hereby further notified that the Board of Directors has declared that such weeds, dead trees and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Directors of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced. (Signed): (Name of fire code official of name of jurisdiction)

**325.9.2 Notice for seasonal and recurring nuisance.** In the case of weeds, dead vegetation or rubbish, which have previously been declared to constitute a seasonal and recurring nuisance, a fire code official will mail a post card notice to the owner(s) of the property at the address as it appears on the current assessment roll. The notice will state that dangerous vegetation or rubbish of a seasonal and recurrent nature are growing on, collecting on, or in front of the property and that they constitute a public nuisance that must be abated by removal. If the nuisance 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 from the land upon which or in front of which the weeds were removed. The cost will constitute a lien upon the property until paid. No hearing will take place.

**325.9.3 Immediate hazard.** When, in the opinion of the fire code official, the Fire Chief, or the Board of Directors, an extreme fire hazard exists which constitutes an immediate threat to public health, 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 of the posting of the Notice to Abate on the affected parcel or within five (5) days of receiving by mail the Notice to Abate. Nothing herein shall authorize the entry upon private property not otherwise open to the public, without the owner's consent or possession of an abatement or inspection warrant unless it is determined that there is an immediate and eminent threat of injury or death to any person if immediate action is not taken.

**325.9.4 Hearing date.** A date for hearing on the notice shall be set at least ten (10) days after the date of this notice. 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 agent may appear to show cause why the order shall not be enforced. For good cause shown, the Board of Directors may extend the time for compliance with the order or may rescind the order.

**325.9.5 Contract award.** If the owner fails to comply with the order, the fire code official of this jurisdiction may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. 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.

**325.9.6 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 in front of or on each separate parcel



of land and shall render an itemized report in writing the Board of Directors showing the cost of removing the weeds, dead trees and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Directors, a copy of it shall be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. Said report and notice shall also be posted for the said 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. Such lien attaches upon recordation in the office of the County Recorder of the County in which the property is situated of a certified copy of the Resolution of Confirmation.

**325.9.7 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.

**325.9.8 Alternate mitigation.**

**325.9.9 Firebreaks/fuelbreaks.** In lieu of ordering abatement as provided in Section 325.9.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official shall consider the height of the growth, weather condition, topography, and the accessibility to the property of fire protection equipment. The procedure set forth in Section 325.9.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

**325.9.10 Fire Management Plans.** In lieu of vegetation abatement the property owner shall submit a Fire Management Plan for the property. The plan shall be specific to the property and shall describe ways to minimize, mitigate and/or eliminate potential for loss from wildfire exposure. The plan shall be developed and approved by the Fire District and the property shall be verified as compliant with the plan throughout the year. Verification of compliance shall be completed by a third party individual or firm knowledgeable in such matters and approved by the Fire District each year.

**325.11 Subsurface fire, penalties therefore.**

**325.11.1 Peat fire.** It is the duty of each person, firm, corporation, or association not to permit a peat fire in or a fire involving combustible vegetable materials under the surface of the natural ground to remain upon his property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at his own cost and expense.

**325.12 Fire suppression costs.** If there exists upon the lands of any person as herein defined a subsurface fire involving the burning or combustion of peat or vegetable matter and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish

or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the 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 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**

##### **Section 503.1.1 Buildings and facilities**

Section 503.1.1 is amended add exceptions 1.4 and 1.5:

**Exception 1.4.** The decision to modify, and the extent of any such modification shall be in accordance with minimum standards established by the fire code official.

**Exception 1.5** Buildings or portions of buildings exceeding 35 feet (10668 mm) in height above the lowest level of fire department access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

**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:

Section 503.1.2 is amended to add:

**503.1.2.1 Required additional 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:

- 1-25 units, one public or private access road
- 26-150 units, one public or private access road and one emergency access road
- 151+ units, a minimum of two public or private access roads

**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 must be approved by the 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 20 feet (6096 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 (4572mm).

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 16 feet (4877 mm) in width if no parking is permitted on the roadway.

Section 503.2.1.2 is added to read:

**503.2.1.2 Outsets.** A fire department access road designed to be a minimum 20 feet (6096 mm) in width shall be provided with outsets adjacent to and in front of fire hydrants providing a 28 foot (8535 mm) wide roadway for at least 20 feet (6096 mm) in both directions measured from centerline of the fire hydrant.

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 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 35 feet (10 668 mm) in height.

Section 503.2.1.4 Proximity to building is added to read:

**503.2.1.4 Proximity to building.** At least one of the required access routes meeting this condition shall be located within a minimum of 20 feet (6096 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

**Exception:** Access routes serving structures greater than 75 feet (22 860 mm) in height and designed to high-rise standards.

## **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 (6096 mm) inside and a 48 foot (12 192 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 of 16% and 20% shall be designed to have a finished surface of grooved concrete to hold 75,000 pounds (34019kg) (H-20 Cal-Trans Design Standard). Design for grooved concrete shall be ½ inch (6mm) by ½ inch (6mm) and 1-1/2 inch (38mm) on center. Grades exceeding 20 percent and cross slopes of greater than 8 percent are not permitted unless authorized in writing 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 to read:

**505.1.2 Street names and addressing.** Street names and addressing shall be submitted for review and approval to the District, approval not to be unreasonably withheld.  
Section 507.2 is amended to read:

**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. Swimming pools and ponds and underground cisterns which would require a drafting operation for purposes of Section 507.1 Design criteria for water supply delivery shall be approved by the Fire District.

## **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 Protections Systems**

Section 902.1 is amended to add:

The following definition is defined in chapter 2:

### **Substantial addition or expansion**

Section 903.1 is amended to read:

**903.1. General.** Automatic sprinkler systems shall comply with this section. For the purposes of this section, fire walls shall not be considered as creating separate buildings.

Section 903.2 is amended to read:

**903.2 Where required.** Approved automatic sprinkler systems shall be installed in new buildings with a gross floor area that exceeds 5000 square feet and in the locations set forth in section 903.4.

### **Exceptions:**

1. 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**

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 accessory to a Group R-3 occupancy.

Section 903.3.1.2.3 is added to read:

**903.3.1.2.3 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.

### **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.

**Exception:** Secondary water supplies for fire pumps in commercial buildings where the primary water supply is provided by a municipal water purveyor.

Section 903.3.10 is added to read:

**903.3.3.19 System Risers.** The location of system risers shall be approved by the fire code official. System risers shall be located in 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 Substantial Remodel** In an existing building, if a substantial remodel occurs, the entire building shall be protected by an automatic sprinkler system in accordance with section 903 and Chapter 11

Section 903.6.2 is added to read:

**903.6.2 Substantial Remodel or Expansion Group R-3.** An automatic sprinkler system shall be provided throughout all existing R-3 dwellings where a substantial remodel or expansion occurs **and** the new total fire area of the structure exceeds 3600 feet.

Section 903.6.3 is added to read:

**903.6.1 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.

### **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 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:

### **Section 3301.3 Permits**

**3301.3 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 is added to read:

**3301.4 Temporary fire department access road for construction of one (1) residential (Group R-3) unit.** A permit is required to utilize a temporary fire department access road for construction regulated by Section 3301.2, see Section 105.7

Section 3301.5 is added to read:

**3301.5 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 is added to read:

**3310.2 Permit.** A permit is required for a temporary fire department access road, see Section 105.7.12.

Section **3310.3** is added to read:

**3310.3 Temporary fire department access road for construction.** The use of a temporary roadway in lieu of permanent roadways is limited to April 15<sup>th</sup> through October 15<sup>th</sup>. Timelines may be modified by the fire code official depending on inclement weather conditions.

Section **3310.4** is added to read:

**3310.4 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.

Section **3310.5** is added to read:

**3310.5 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.

### **3312 Water supply for fire protection**

Section 3312 is amended to add: Sections 3312.1.1 and 3312.1.2 to read:

**3312.1.1 Permit.** A permit is required for temporary water supplies, see Section 105.7.12.

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

**Chapter 33 is amended to add Section 3308.3.3 to read:**

### **Section 3308.3 Demolition of structures**

**3308.3 Construction documents.** Construction documents and 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.

## 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 Materials Inventory Statements (HMIS), Hazardous Materials Management Plan, (HMMP) and other information must be stored at a readily accessible location, as determined by the fire code official. This location 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.

### Exceptions:

1. 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.
2. Snap Caps and Party Poppers as classified by the Office of the State Fire Marshal as pyrotechnic devices.

Section 5601.3 is added to read:

**5601.3.2 Prohibited and Limited Acts.** The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned of industrial or agricultural uses. In districts where storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 5601.8.1 and 5601.8.11.

Section **5601.3** is added to read:

**5601.3.3 Permit restrictions:** The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned of industrial or agricultural uses. In districts where storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 5601.8.1 and 5601.8.1.1.

Section 5601.2.4 is amended to read:

**5601.2.4 Financial responsibility.** Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

## SECTION 4. REPEAL OF CONFLICTING ORDINANCES

**13.1 Repeal.** The following Ordinance previously adopted by the Board of Directors is hereby repealed: Ordinance #13-01, Moraga-Orinda Fire District with amendments from the California Fire Code (2013 Edition).

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 January 1, 2017 and within fifteen (15) days of adoption, a summary will 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, APPROVED and ADOPTED this 5<sup>th</sup> day of October, 2016 at the regular meeting of the District Board of Directors held on October 5, 2016 at 2100 Donald Drive, Moraga, California, 94556, on a motion made by Director Weil seconded by Director Barber , and duly carried with the following roll call vote:

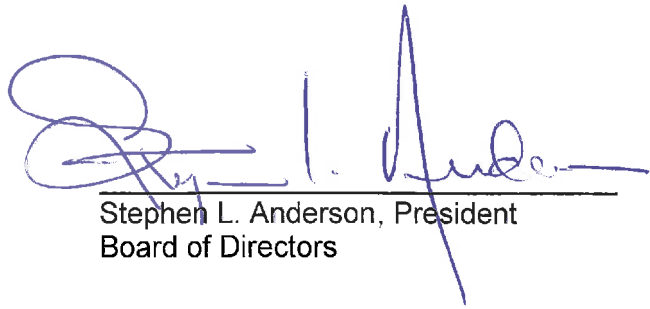
AYES: DIRECTORS ANDERSON, BARBER, FAMULENER AND WEIL

NOES: NONE

ABSENT: DIRECTOR EVANS

ABSTAIN: NONE

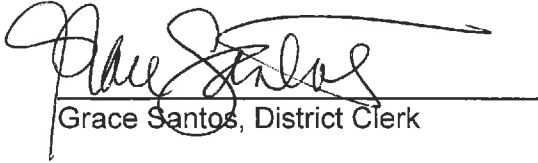




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Stephen L. Anderson, President  
Board of Directors

ATTEST:



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Grace Santos, District Clerk

APPROVED AS TO FORM:



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John Bakker, District Counsel