

ORDINANCE NO. 20-XX

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 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 (AMENDED TO ADD CHANGES), 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 105.6.53.

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

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 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 105.7.30.

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, gates, and bridges for required fire apparatus access pursuant to Section 501.3.

Section 105.7.30 has been added to read:

105.7.28 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 shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

Section 110.4 is amended to read:

110.4 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 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 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:

ABATE AND OR ABATEMENT. An act used to remove, destroy, eliminate, seize, impound or mitigate a public nuisance.

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.

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.

COMBUSTIBLE MATERIAL. For the purpose of the Fire Code rubbish, litter or material of any kind that is combustible and endangers the public safety by creating a fire hazard as determined by the fire code official.

CORPORATION COUNSEL. The Attorney for the District.

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.

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 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.

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 Assessor's maps and records 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 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 any parcel creates a fire hazard or threat to public safety (Health and Safety Code 14875 and 14876).

SUBSTANTIAL ADDITION, EXPANSION, REMODEL OR RENOVATION. An addition or expansion of a building where the new fire area exceeds 50 percent of the existing fire area or an addition, expansion remodel or renovation where the removal or replacement of 50 percent or greater of the linear length of the walls of the building is done (exterior plus interior). The cumulative total of construction over a 5-year period is used to determine if a substantial addition, expansion, remodel or renovation has occurred.

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 above ground tank during combustible construction.

TREE LITTER. Any limbs, bark, branches and/or 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 Assessor's maps and records and may be identified by an Assessor's Parcel Number upon which no structure is located.

WILDLAND-URBAN INTERFACE AREA. The area where structures are in or near wildland vegetation and are at the greatest risk of wildfire loss due to the proximity of combustible vegetation. For purpose of this code, all areas within the district will be considered wildland urban interface. This is in accordance with "Communities at Risk from Wild Fires" produced by the California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, pursuant to the National Fire Plan, federal Fiscal Year 2001 Department of the Interior and Related Agencies Appropriations Act (Public Law 106-291).

CHAPTER 3 GENERAL PRECAUTIONS AGAINST FIRE

Section 304.1.2 is amended to add:

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, removed or reduced 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.

325.1.1 WUI Declaration: For the purposes of the fire code, all areas of the District are declared a Wildland Urban Interface.

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 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.

325.1.3 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 hazardous vegetation and combustible material where such hazardous vegetation and 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.

325.1.4 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.

325.1.4.1 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.
COMBUSTIBLE MATERIAL.
DEFENSIBLE SPACE.
EXTERIOR FIRE HAZARD INSPECTION.
FIRE PROTECTION PLAN.
FUEL BREAK.
HAZARDOUS VEGETATION.
IMPROVED PARCEL.
LADDER FUEL.
PARCEL.
PERSON.
PUBLIC NUISANCE.
RUBBISH.

**STREETS.
STRUCTURE.
TREE LITTER.
UNIMPROVED PARCEL.
WEEDS.
WILDLAND-URBAN INTERFACE AREA.**

325.3 Public nuisance. The Board of Directors or fire code official may declare that hazardous fire areas, including any combustible materials and hazardous vegetation upon private property or fire apparatus access roads are a public nuisance. Weed nuisance is seasonal and recurrent and shall be abated every year by May 31. Hazardous vegetation and combustible materials are required to be maintained year-round as determined by the fire code official.

325.3.1 Hazardous vegetation and combustible material. The Board hereby declares that all hazardous vegetation, growing upon parcels or streets in this jurisdiction and all combustible material on private property or streets in this jurisdiction are public nuisances. Such hazardous vegetation as it pertains to annual grasses and weeds may be seasonal and recurrent but must be maintained year-round as determined by the fire code official without any further hearing.

325.3.2 Seasonal and recurrent nuisance. If the nuisance is seasonal and recurrent, the Board of Directors shall so declare. Thereafter, such annual grasses and weeds and hazardous vegetation, shall be abated every year or as declared by the fire code official.

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 Reduced or 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, business, industrial 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, combustible materials from street. The fire code official is authorized to require areas within 3 feet on each side and 15 feet in height of public and fire apparatus access roads, to be abated of hazardous vegetation and combustible material.

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.

325.6.2 Clearance of brush, hazardous vegetation and 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 & 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 to improved adjacent parcels.
5. Provide 100 feet clearance around structures.

325.6.3 Clearance of hazardous vegetation and combustible material 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 hazardous vegetation and 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 or 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.

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.

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

325.6.3.3 Maintain the roof of any structure and roof gutters free of leaves, needle, or hazardous vegetation and 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 fire apparatus access road which is improved or used for vehicle travel or other

vehicular purposes. To remove ladder fuel so that foliage, twigs or branches are greater than 6 feet above the ground, or ground fuel.

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

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

325.6.3.6 Maintain all ground areas within 2 feet of the exterior walls of any building or structure free of hazardous vegetation and combustible materials including combustible mulch, by September 1, 2020.

325.6.3.7 Remove all Junipers (genus *juniperus*) and Bamboo (genus *bambusa*) within 10 feet of the 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. It must be approved 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 shall cause a copy of the notice/order to be both physically posted in a conspicuous location on the property and also mailed or otherwise delivered 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/order 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 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 & combustible material" in letters at least one inch high. The notice shall be in substantially the following form:

NOTICE OF VIOLATION AND ORDER TO ABATE HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL

You are hereby notified that hazardous vegetation & combustible material a fire hazard on the following 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 and ordered to remove the hazardous vegetation & combustible material fifteen (15) 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 hazardous vegetation & combustible material constitute a public nuisance and that such hazardous vegetation & combustible material also constitute a seasonal and recurring nuisance that must be maintained.

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 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, mail a post card 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 or reduction. 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.

325.9.3 Immediate hazard. When, in the opinion of the fire code official, 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 physical posting of the Notice to Abate on the affected parcel.

325.9.4 Hearing date. A hearing will be held during a regularly schedule district board meeting. The date of the notice is the date on which the notice is placed in the US 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.

325.9.5 Contract award. If the owner fails to comply with the order, the fire code official of this jurisdiction may have the hazardous vegetation & combustible material or public nuisance 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 located on each separate parcel of

land and shall render an itemized report in writing the Board of Directors showing the cost of removing the hazardous vegetation & combustible material, or public nuisance on each parcel. 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. 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 upon the various parcels mentioned in the report as confirmed shall constitute special assessment against the respective parcels, and are a lien on the property for the amount of the respective assessments.

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. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessments.

325.9.8 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.

325.9.9 Fuel breaks. In lieu of ordering complete abatement the fire code official may order the preparation of fuel breaks around parcels 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 the fuels, weather conditions, topography, and accessibility to the property of fire protection equipment.

325.9.10 Fire 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

The entire Chapter 4 is adopted.

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.

Section 503.1.1 Buildings and facilities.

Section 503.1.1 exceptions 1.4 and 1.5 are deleted:

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.

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.

503.1.2.2.1 Existing fire trail systems shall be maintained. When conditions make maintenance of existing trail impractical alternate means of access shall be provided and approved 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 Outsets is deleted:

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 35 feet (10,668 mm) in height as defined in Appendix D.

Section 503.2.1.4 Proximity to building is deleted:

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.

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

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 buildings with a fire area that exceeds 3600 square feet and in the locations set forth in section 903.2.1 through 903.2.12

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.

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 is amended to add:

Unless otherwise permitted or required by Sections 903.3.1.1.1, 903.3.3.1.1.2 and 903.3.1.1.3.

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.

Section 903.3.1.3 is amended to add:

903.3.1.3.1 Eave protection. Sprinkler protection shall be provided under roof eaves.

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 a substantial addition, expansion, remodel or renovation.

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 as follows:

1. Buildings that have a substantial addition, expansion, remodel or renovation and the new fire area exceeds 3600 square feet.
2. Building additions where the new fire area exceeds 100 percent of the existing fire area.

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 49 REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

Section 4905.2 is amended to read:

4905.2 Construction methods and requirements within established limits.

Within the district boundaries, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:

1. California Building Code, Chapter 7A,
2. California Residential Code, Section R337,
3. California Referenced Standards Code, Chapter 12-7A.

4905.2.1 New buildings regulated by the California Building Code and built in a very high hazard fire severity zone, Wildland Urban Interface or a State Responsibility Area shall comply with the California Building Code Chapter 7A. The plants listed on the Moraga Orinda Fire District prohibited plan list shall not be planted.

4905.2.2 New buildings regulated by the California Residential Code shall comply with the California Residential Code, Section R337 regardless of the fire hazard rating for the location of the building. Sections R337.10.3.2 and R337.10.3.3 shall apply to fencing within 3 feet of a building. The plants listed on the Moraga Orinda Fire District prohibited plan list shall not be planted.

Section 4905.3 is amended to read:

4905.3 Establishment of limits.

The establishment of limits for the Wildland-Urban Interface Fire Areas where required construction methods shall be designated pursuant to the California Public Resource Code and government code section 51175-51189 for State Responsibility Area, and by declaration that all Local Responsibility Areas within the fire district are considered Wildland Urban Interface.

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.

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.

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.

Section D106.1 Exception is deleted.

Section D106.2 is deleted.

D106.3 REMOTENESS

The following exception is added to 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.

D107.1 Exceptions 1 and 2 are deleted:

Section D107.2 REMOTENESS

The following exception is added to Section D107.2:

Exception: The fire code official may approve an alternative, circular route of travel with the entrance and exit points closer that 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.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

13.1 Repeal. The following Ordinance previously adopted by the Board of Directors is hereby repealed: Ordinance ~~#20-XX~~ Moraga-Orinda Fire District with amendments from the California Fire Code (2019 Edition).

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-XX~~ 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 East Bay Times, a newspaper of general circulation in this District. Passed and Adopted on XXXXXX, by the following Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Marcia Holbrook, Clerk/Secretary
Board of Directors

Steven Danziger, President
Board of Directors