

ORDINANCE NO. AFPD 011

AN ORDINANCE ADOPTING THE CALIFORNIA FIRE CODE WITHIN THE AMADOR FIRE PROTECTION DISTRICT

An ordinance of the Amador Fire Protection District adopting the 2022 edition of the California Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in the Amador Fire Protection District

The Board of Directors of the Amador Fire Protection District does ordain as follows:

Section 1. **Repeal of Existing Ordinance**

Amador Fire Protection District Ordinance No. 010, An Ordinance Adopting the California Fire Code Within the Amador Fire Protection District, is hereby repealed in its entirety.

Section 2. **California Fire Code – Adopted By Reference**

Pursuant to California Health and Safety Code 13869, there is hereby adopted by the Board of Directors (Board) of the Amador Fire Protection District (District) for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, and explosions, that certain code known as the “California Fire Code, Title 24, California Code of Regulations, Part 9” (Code), as published by the International Code Council, including the entire Chapter Five, Appendices Chapter 4, B, C, D, E, F, G, H, I, K, N, O, P and the whole thereof, save and except such portions as, deleted, modified or amended herein. A copy of this Code is available, for public use and examination, at the office of Clerk of the District. From the date on which this ordinance shall take effect, the provisions thereof shall be effective within the District.

Section 3. **Findings**

California Health and Safety Code, Section 13869.7, 17958.7, and 18941.5, allow for amendments reasonably necessary because of local climatic, geographical or topographical conditions. The District makes the following findings in support of local amendments to the Code.

A. The topography of the District presents several factors which impede response times: steep and narrow roadways, seasonal closure of roads due to snow and flooding, and insufficient water supplies.

B. The District includes elevations from 100 feet to over 5,000 feet which present problems for a timely response due to climatic conditions, from fog in the lowlands to snow at higher altitudes.

Section 4. **Amendments**

Based on the afore-cited topographical and climatic findings the District finds it necessary to amend the Code to provide additional fire safety measures in an attempt to reduce the severity of fire and potential loss of life and property. The Code adopted herein is hereby amended as set forth in this section.

Code section 903, Automatic Fire Sprinkler Systems, is amended to add the following:

A. In addition to the requirements specified in Section 903 of the Code, an automatic fire sprinkler system, as approved by the Fire Chief, shall be installed throughout in:

1. Every building hereafter constructed in which the total building area, as defined in Chapter Five of the 2022 California Building Code (CBC), is 5,000 square feet or greater. Occupancy separation walls, regardless of fire rating, shall not create separate structures for the purpose of this section.

Exceptions:

(a). The Fire Chief may waive this requirement if the building is divided into areas of less than 5,000 square feet by the construction of fire walls pursuant to requirements of Chapter 7 of the CBC.

(b). Agricultural Building as defined Section 202 of the CBC. *

(c). Residential buildings built pursuant to Amador County Code, Chapter 15.10 (LDRD)

2. Existing buildings, for which the initial building permit for the building was issued after December 29, 1994, where modifications increase the total building area, as defined in section 502 of the CBC, to 5,000 square feet or greater. (Note: 12/29/1994 was the effective date of the District's first ordinance requiring installation of sprinkler's in buildings 5,000 square foot or larger). Occupancy separation walls, regardless of fire rating, shall not create separate structures for the purpose of this section.

Exceptions:

(a). The Fire Chief may waive this requirement if the building is divided into areas of less than 5,000 square feet by the construction of fire walls pursuant to requirements of Chapter 7 of the CBC.

(b). Agricultural Building as defined Section 202 of the CFC. *

3. Existing buildings constructed prior to December 29, 1994 with a total building area, as defined in Chapter 5 of the CBC, of 5,000 square feet or larger, when there is a change in character of the occupancy or use of any building which may in the opinion of the Fire Chief increase or cause to increase the threat of fire or threat to life and property. Occupancy separation walls, regardless of fire rating, shall not create separate structures for the purpose of this section.

Exception:

Agricultural Buildings as defined in Section 202 of the CFC. *

4. For the purpose of Chapter 9 of the CFC, wall separations, new or existing, regardless of fire construction ratings shall not create independent structures. Fire protection systems shall be installed throughout the entire building.

B. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. The fire control room shall contain all system control valves, fire alarm control panels and other fire equipment required by the Fire Chief. Fire control rooms shall be located within the building at a location approved by the Fire Chief, and shall be provided with a means to access the room directly from the exterior of the building. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. Access to the room shall be provided by a District approved key system. A sign shall be posted within this room indicating "No Storage Permitted".

Exception:

Residential Group R-3 as defined in Section 310 of the CBC. **

Each of the amendments above is based on both findings, A. (topographical) and B. (climatic), as set forth in Section 3.

4-5. Unwarranted Fire Alarm Responses. A property owner shall receive an invoice as a result of continuous malfunction of their existing fire protection system. Three false alarms within a 30 day period shall result in receiving such invoice to the place of business at a cost not to exceed \$264. Each additional unwarranted alarms within the same 30 day period shall be increased to \$88 per alarm or as newly adopted fee scheduled at such time.

NOTE: The purpose of the ordinance is to encourage the property owners to maintain their fire protection system as required within the California Fire Code.

6. The designated fire lanes shall be cleared and unobstructed at all times in accordance with the California Fire Code. The designated fire lane shall be 20 feet wide unobstructed with the interior and exterior turning radii of 34 and 54 respectively and with a vertical clearance of 15 feet.

7. In accordance with the California Fire Code, the Fire Chief is authorized to issue operating permits based on the hazards and operations identified in Section 105-of this code. Operating permits will be issued as part of AFPD's engine company annual inspection program.

*Section 202 defines "Agricultural Building" as a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

**Section 310 (in part) defines "Residential Group R-3" as one or two family dwellings; townhouses not more than three stories above grade in height with a separate means of egress; adult or child daycare facilities that provide accommodations for clients for less than 24 hours; congregate living facilities with 16 or fewer persons.

8. Hazardous vegetation and combustible material abatement shall be enforced in accordance with Amador County Code, Title 7, Chapter 7.3, and Ordinance Number 1820.

Section 5. Enforcement

The Code herein adopted shall be enforced by the Fire Chief of the District or his designee.

Section 6. Appeals

An application for appeal shall be based on a claim that the intent of the Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent method of protection or safety is proposed.

Any person aggrieved by any decision of the Fire Chief, may appeal to the Board by filing a written application of appeal with the Clerk of the Board within thirty (30) days from the date such decision was made.

Section 7. Penalties

Chapter 1, Section 109.3, 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 Chief, or of a permit or certificate used under provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding one hundred eighty (180) days, or both such fine and imprisonment.

When not otherwise specified by the Fire Chief, each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 8. Notification

Pursuant to Health and Safety Code Section 13869.7, not less than 30 days prior to the District noticing a public hearing on this Ordinance, the District has provided a copy of the proposed ordinance to the County of Amador (County).

Section 9. Ratification and Filing

Pursuant to Health and Safety Code Section 13869.7(c), this Ordinance shall not become effective until ratification by the County. Upon ratification the County shall file a copy of this Ordinance, which includes the required findings of the District, with the Department of Housing and Community Development.

Section 10. Validity

The Board hereby declares that should any portion of this ordinance or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of the Board that it would have passed all other portions of this ordinance independent of the elimination therefrom of any such portion as may be declared invalid.

Section 11. Publication and Effective Date

This Ordinance or a summary thereof shall be published in the manner prescribed in Government Code 25124, but not before ratification and required filings by the County as provided for in Health and Safety Code Section 13869.7(c). This Ordinance shall take effect and be in full force thirty (30) days following said publication.

The foregoing ordinance was duly passed and adopted by the Board of Directors of the Amador Fire Protection District at a regular meeting thereof, held on the 9th day of November 2022 by the following vote:

AYES: Jeff Brown, Patrick Crew and Brian Oneto

NOES: None

ABSENT: Richard Forster and Frank Axe


for _____
Richard Forster, Chair, Board of Directors

ATTEST:

NICOLE COOK, Clerk of the
Amador Fire Protection District
Amador County, California


