

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE REPEALING AND REPLACING CHAPTER 15.05 (INTERNATIONAL FIRE CODE AND CALIFORNIA FIRE CODE) AND CHAPTER 15.06 (AUTOMATIC FIRE SPRINKLER AND ALARM SYSTEMS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE FORT BRAGG MUNICIPAL CODE

ORDINANCE NO. X9XX-2019

WHEREAS, the ~~2013-2016~~ California Building Standards Code has been amended and adopted by the California Building Standards Commission; and

WHEREAS, the California Fire Code, which is Part 9 of the California Building Standards Code, was ~~part of the triennial amendment and part of the triennial amendment and adoption~~ by the California Building Standards Commission; and

~~**WHEREAS**, the City of Fort Bragg (“City”) wishes to adopt fire code regulations in accordance with law and to use the most updated regulations for fire protection within the City;~~

WHEREAS, Government Code § 50022.2 authorizes cities to enact ordinances adopting any code by reference; and

~~**WHEREAS**, the City of Fort Bragg (“City”) adopted the California Fire Code, California Code of Regulations, Title 24, Part 9, 2016 Edition on September 25, 2017; and~~

WHEREAS, because of the City’s unique climatic, geologic, and topographic conditions, the City desires to make amendments and additions to the ~~California Fire Code, California Code of Regulations, Title 24, Part 9, 2016 Edition~~ building and fire code regulations, as set forth herein; and

WHEREAS, pursuant to California Health and Safety Code sections 18941.5 and 17958, the City Council of the City of Fort Bragg hereby finds that the amendments adopted herein are reasonably necessary because of local climatic, geologic and topographic conditions; and

WHEREAS, in accordance with Health and Safety Code Section 17958.7, the City Council hereby ~~finds~~ concludes that the findings ~~as set forth in Resolution No. XXX-2019 and adopted on September 9, 2019 by the City Council~~ are applicable to the modifications described in this Ordinance; and

WHEREAS, prior to the effective date of this Ordinance, the City Clerk shall file a copy of the Ordinance, including the findings ~~as set forth in Resolution No. XXX-2019~~, with the California Building Standards Commission; and

WHEREAS, the City of Fort Bragg (“City”) has determined that Chapter 15.06 (Automatic Fire Sprinkler and Alarm Systems) of the Fort Bragg Municipal Code (“Code”), as currently written does not: 1) clearly define the mechanism for determining the threshold value of construction costs for application of the ordinance; or 2) include a clear process for determining and validating the valuation threshold ~~when the project building permit is issued and modified~~; and

WHEREAS, the City of Fort Bragg, has determined that the Building Permit Valuation, as determined by the Mendocino County Planning and Building Department through their plan review process will be the valuation used to determine if the threshold amount of \$75,000 has triggered the requirement that all costs associated with rehabilitation of a building should be included in the valuation amount, as public health and safety are paramount concerns of local government and every reasonable opportunity should be taken to ensure that Fort Bragg's vulnerable a commercial buildings must have sprinklers installed as part of any major rehabilitation of more than \$75,000 in value in order to protect life and property from the threat of fire; and

WHEREAS, amending Chapter 15.06 will assist in administering the City's fire sprinkler and alarm systems ordinance and improve compliance with the ordinance by property owners; and

WHEREAS, the City Council has determined that the following changes should be made to the Chapter for consistency, accuracy and ease of use by the City's staff and citizens.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The City of Fort Bragg's Municipal Code Chapters 15.05 and 15.06 have undergone a review by staff to identify inconsistencies and inaccuracies as well as consistency with the 2013-2016 California Building Standards Code.
2. The Code should represent the current state of all legislative actions taken by the City Council.
3. Chapter 15.06 is used by City staff to determine when fire sprinklers and alarm systems are required as part of any project that requires a building permit.
4. The Code should reflect current legislative actions of the City Council and the means by which the City is being operated and must be accurate and consistent to aid staff, residents and various other persons in making determinations on Code related issues.
5. Certain provisions of the Code are not accurate reflections of the City Council's current legislative intent.
6. Amending Chapter 15.06 in the manner described in this ordinance is in the public interest for it will ensure that sprinklers are installed as part of any major commercial ~~building~~Building rehabilitation with a valuation of more than \$75,000, as determined by the Mendocino County Planning and Building Department through their plan review process ~~in value~~ and will thereby help to protect life and property from damage by structural fires.

7. Legislative Findings.

7. —

The City Council of the City of Fort Bragg set forth legislative findings pursuant to California Health and Safety Code § 17958.7 in Resolution XXX-2019, adopted on September 9, 2019 to substantiate the amendments to the California Fire Code, California Code of Regulations, Title 24, Part 9, 2016 Edition, as adopted in City of Fort Bragg's Municipal Code Chapters 15.05. The City Council of the City of Fort Bragg finds that in order to best protect the health, safety and welfare of the citizens of the City of Fort Bragg, the standards of building within the City must conform with state law except where local climatic, geological, and topographic conditions warrant more restrictive regulations. Therefore, the City Council should adopt the current state building codes, contained in California Building Standards Code Title 24, and other uniform codes governing the construction and regulation of buildings and structures with the modifications and amendments contained herein.

~~Pursuant to California Health and Safety Code Section 17958.7, the City Council makes the factual findings set forth herein, and finds that the amendments made in this ordinance to the California Building Standards Code Title 24, Part 9 are reasonably necessary because of the local climatic, geological or topographical conditions.~~

~~8. Climatic Findings:~~

~~Fort Bragg has climatic conditions which are unique in character. The City is subject to year-round coastal winds including storm conditions. Winter storms with gale-force winds often cause trees to fall onto roadways used for access by emergency fire equipment and personnel. Average yearly rainfall for the district is 37 inches which occurs from October to April and results in lush vegetation growth. During summer months, the morning also spurs vegetation growth. Natural vegetation creates hazardous fuel conditions that cause grassland and brush land fires each year. Afternoon winds can move a fire quickly in any part of the City, particularly during times of high temperatures and low humidity. The City has suffered from drought conditions, which reduces available water for firefighting.~~

~~9. Geological Findings:~~

~~Fort Bragg, located on the northern California coast, has warm summer days and severe winters. The City is located in a rural setting with rugged coastline forming its western boundary and rugged mountainous areas forming its eastern boundaries. The City has potentially active seismic hazards in close proximity.~~

~~10. Topographical Findings:~~

~~The Fort Bragg Fire Protection Authority District is an all-volunteer district that covers seventy-five square miles with elevations from zero to one thousand feet above sea level. The City of Fort Bragg includes many narrow and some dead-end roads causing maneuverability restrictions for fire equipment. Surrounding fire districts are all volunteer and the request for mutual aid requires as long as 30 minutes for the first engine to respond to the scene of a fire. The permanent population in the District is dramatically increased by tourism in the summer months causing an increased burden on fire department personnel and equipment. Heavily traveled State Highway One runs the length of the City and is the only continuous North/South route along the coast.~~

~~11.8. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). Enacting minor changes to the City's Code pertaining to automatic fire sprinkler and alarm systems cannot have a significant effect on the environment. The changes to the City's Municipal Code are minor in nature and do not create substantive changes to land use or the California Fire Code. Subsequent planning and building permit applications will be subject to environmental review at that time. Thus, there is no further environmental review necessary at this time.~~

Section 2.

TITLE 15 – BUILDINGS AND CONSTRUCTION

~~Chapter 15.05 entitled **INTERNATIONAL FIRE CODE AND CALIFORNIA FIRE CODE** is hereby repealed in its entirety and replaced with the following:~~

~~“CHAPTER 15.05: CALIFORNIA FIRE CODE~~

Section

- ~~15.05.010 Edition adopted~~
- ~~15.05.020 Application of chapter~~
- ~~15.05.030 Appeals~~

~~§ 15.05.010 EDITION ADOPTED.~~

~~This Chapter refers to and incorporates herein, as modified and amended from time to time, in their entirety, the following documents and materials:~~

~~A. The California Fire Code, California Code of Regulations, Title 24, Part 9, 2013 Edition and its Appendices, subject to amendments, changes or modifications as set forth in this Chapter, or otherwise in the Fort Bragg Municipal Code. This Chapter shall be known as the “Fort Bragg Fire Code” and shall be referred to in this chapter as “this Code”.~~

~~B. Where no applicable standards or requirements are set forth in the above-mentioned code, or contained within other laws, codes, regulations or ordinances adopted by the City, compliance with applicable standards of the National Fire Protection Association (NFPA) or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this Chapter.~~

~~C. A copy of the Code referenced above, in its latest form, is on file in the office of the Fire Chief.~~

~~§ 15.05.020 APPLICATION OF CHAPTER.~~

~~This chapter shall apply to all buildings, structures, areas, and occupancies within the City of Fort Bragg. Pursuant to Cal. Health and Safety Code §§ 13145 and 13146, the Fire Chief, or his or her authorized representative, shall enforce the provisions of this chapter and all other building standards and regulations relating to fire and panic safety that have been formally adopted by the State Fire Marshal for the prevention of fire and for the protection of life and property against fire or panic.~~

~~§ 15.05.030 APPEALS.~~

~~Whenever the Fire Chief or his or her authorized representative refuses to grant a permit applied for, or when it is claimed that certain provisions of the International Fire Code, the California Fire Code and/or Fort Bragg Municipal Code do not apply, the applicant may appeal the decisions to the Fire Appeals Board no later than 15 days of the refusal or claim. The Fire Appeals Board shall be appointed by the Fort Bragg Fire Protection Authority.”~~

Section 3.

TITLE 15 – BUILDINGS AND CONSTRUCTION

Chapter 15.06 entitled **AUTOMATIC FIRE SPRINKLER AND ALARM SYSTEMS** is hereby repealed in its entirety and replaced with the following:

“CHAPTER 15.06: AUTOMATIC FIRE SPRINKLER AND ALARM SYSTEMS

Section

- 15.06.010 Purpose
- 15.06.020 Definitions in general
- 15.06.030 Automatic fire sprinkler systems required
- ~~15.06.040 PVC or CPVC piping for residential fire sprinkler systems~~

- 15.06.050 Exemptions and waivers
- 15.06.060 Annual inspection and maintenance
- 15.06.070 *Reserved*
- 15.06.080 Fire alarm systems defined and required
- 15.06.090 Violations

Editor's note:

Prior ordinance history: Ord. 596.

§ 15.06.010 PURPOSE.

A. The California Fire Code, California Code of Regulations, Title 24, Part 9, 2016 Edition, California Fire Code, 2013 Edition, as modified and amended from time to time, establishes certain standards for automatic fire extinguishing systems. A copy of the Code, in its latest form, is on file in the office of the Fire Chief.

B. The purpose of this chapter is to provide regulations establishing minimum standards for automatic fire sprinkler systems where the standards are not specifically covered by the California Fire Code. Where specific standards are provided by the California Fire Code and provide a greater degree of fire protection than the provisions of this chapter, those standards shall apply. In those cases where the California Fire Code, 2013 Edition, does not provide specific standards, the terms of this chapter shall apply.

C. The intent of this chapter is to apply those fire protection standards which will provide the residents and property owners of the City the greatest degree of fire protection which is reasonable under the circumstances. All buildings are subject to the provisions of this chapter.

§ 15.06.020 DEFINITIONS IN GENERAL.

Definitions contained in the California Fire Code, California Code of Regulations, Title 24, Part 9, 2016 Edition, California Fire Code shall apply to this chapter unless specifically amended. Whenever any of the following names or terms are used in any of the compilations adopted by reference by this chapter such names or terms shall have the following meanings:

APPEAL AUTHORITY. As defined in Municipal Code Chapter 1.06

BUILDING. Any building or group of buildings that requires a sprinkler under this ordinance or the California Fire Code, California Code of Regulations, Title 24, Part 9, 2016 Edition ~~California Fire Code~~.

~~**SPRINKLER VALUATION FORM.** A form completed by the project applicant and submitted concurrently with the application for the building permit. The Sprinkler Valuation Form identifies the market value of all proposed work on the project, not just those components of the project that are subject to a building permit approval. The value of work completed includes, but is not limited to, all structural, electrical and mechanical systems as well as all interior and exterior finishes.~~

~~**VALUE.** The value of completing all repairs, maintenance and remodel work. This includes the cost of materials and labor and profit and overhead. The value is the price charged to a client for work completed by a licensed independent contractor.~~

~~**BUILDING PERMIT VALUATION.** The value of repairs, maintenance and remodel work as determined by the Fire Marshal or a third-party cost estimator Mendocino County Planning and Building Department through their plan review process. The Building Permit Valuation will include the total of all active building permits for the Building at the same location, excluding separate permits to install automatic fire sprinkler systems.~~

§ 15.06.030 AUTOMATIC FIRE-SPRINKLER SYSTEMS – REQUIRED.

A. All new ~~B~~buildings shall have an automatic fire sprinkler system installed, unless specifically exempted in accordance with § 15.06.050.

B. Buildings in existence prior to the adoption of this Code shall be subject to the requirements for automatic fire sprinkler systems upon the change of occupancy to a higher hazard level as defined by the Fire Marshal.

C. Existing commercial and multi-family buildings which are remodeled, added to, or altered, including maintenance and repair activities, when the Building Permit Valuation cost of such ~~work within any 36-month period~~ exceeds \$75,000, shall have an automatic fire sprinkler system installed. The sprinkler system shall be connected with water service as determined by the Director of Public Works. Roof replacement costs will not be calculated into the \$75,000 limit. Determination of the Building Permit Valuation of work completed shall proceed as follows:

1. ~~As determined by the Mendocino County Planning and Building Department through their plan review process and completed on the application for any building permit. The applicant shall submit the Value of all work on the Sprinkler Valuation Form with the building permit.~~

2. The Fire Marshal shall: 1) review the ~~form building permit, plans and Building Permit Valuation~~ at the time of the building permit application ~~submittal;~~ and 2) review the building permit, any applicable building permit application and plans upon any change in scope of work or modification to the building permit application ~~and 2) review the project at the time of the building permit final~~ to determine if the Building Permit Vvaluation of the proposed work and all work completed on the Building for all active building permits within the past three years ~~exceeds the \$75,000 threshold.~~

3. If the ~~project~~ Building Permit Valuation exceeds the threshold, the Fire Marshal shall require installation of fire sprinklers per this chapter prior to approval of the ~~final inspection for the building permit~~ or final inspection.

4. ~~If an applicant disputes the Valuation of the project by the Fire Marshal, the applicant may appeal the project to the Appeal Authority.~~

5. ~~During the appeal process the applicant shall provide: a) a cost estimate, prepared by a licensed architect; and/or b) all invoices and receipts from the project's licensed contractor; and/or c) all material receipts and timesheets for the project to the Appeal Authority. In the event that the applicant is unable or unwilling to provide detailed cost data, or if the City determines that the data is provided by an entity with a conflict of interest with regard to the project, the applicant shall pay for a third party contractor/cost estimator (selected by the City) to prepare a Valuation of the work.~~

6. ~~In the absence of evidence proving that the Value of the work is less than \$75,000, the appeal will be denied and fire sprinklers will be installed as required by the Fire Marshal prior to the final of the building permit for the project."~~

§ 15.06.040 PVC OR CPVC PIPING FOR RESIDENTIAL FIRE SPRINKLER SYSTEMS.

~~Every new residential building may install an engineered automatic fire sprinkler system using PVC or CPVC piping as specified in N.F.P.A. 13D and California State Fire Marshal suggested standards for the design, installation and automatic fire sprinkler systems for 1- and 2-family dwellings. Use of PVC or CPVC piping for multi-residential automatic fire sprinkler systems shall include in the design of this system automatic fire sprinklers within all attic areas if any portion of the attic measures more than 24 inches from ceiling to roof sheathing. Use of PVC or CPVC piping for multi-residential automatic fire sprinkler systems shall include U-L approved "rapid or quick acting" sprinklers.~~

§ 15.06.050 EXEMPTIONS AND WAIVERS.

A. All 1- and 2-family dwellings and detached utility (“U” occupancies) buildings are exempted from the requirement to install automatic fire sprinkler systems.

A.

B. The Fire Chief may grant exemptions for the automatic fire sprinkler system requirements for new construction by placing such conditions upon construction and/or use of the building so as to reduce the fire risk to a diminished level and by making a finding that the use of structure would present low or no fire risk. Examples:

1. Portable fire extinguisher or Class 2 standpipe installation;
2. Providing 1-hour resistive occupancy separation for equipment rooms;
3. Sprinklers undesirable because of nature of the contents in the room/area, the items being noncombustible or not exposed to other rooms/areas.

§ 15.06.060 ANNUAL INSPECTION AND MAINTENANCE.

The owner of any Bbuilding in which automatic fire alarm systems or fire sprinkler systems have been installed shall have the systems inspected and maintained per NFPA 25 annually and shall provide a report of the inspection to the Fire Chief.

§ 15.06.070

Reserved.

§ 15.06.080 FIRE ALARM SYSTEMS DEFINED AND REQUIRED.

A. FIRE ALARM SYSTEM means all devices, controls, and circuits, together with the energy necessary to sound the alarm, electrically supervise the system, and activate the alarm bells, trouble bells or trouble signals.

B. Every new Bbuilding shall have installed an approved, automatically-operated fire alarm system designed to warn all occupants simultaneously. In addition, the Fire Chief may require that this system be monitored in the manager’s quarters and/or by a supervising station as defined in NFPA 72. The Fire Chief may also require the installation of a manually-operated fire alarm system.

C. All required fire alarm systems shall be installed in accordance with NFPA 72.

D. Exceptions to § 15.06.080 are all ~~1- and 2-family dwellings and~~ “U” occupancies. These exceptions do not apply to 1- and 2-family dwellings within a buildingBuilding that otherwise requires an alarm system (i.e., commercial occupancy below a dwelling.)

§ 15.06.090 VIOLATIONS.

Failure to comply with the requirements of this chapter is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties established by Municipal Code Chapter 6.12.”

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 5. Effective Date and Publication. This ordinance shall be and the same is

hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember ~~Peters~~ at a regular meeting of the City Council of the City of Fort Bragg held on ~~September 9, August 10, 2015~~2019, and adopted at a regular meeting of the City of Fort Bragg held on ~~August 24~~ ~~September 23,~~20152019, by the following vote:

AYES: ~~Councilmembers Peters, Cimolino, Deitz, and Mayor Turner.~~
NOES: ~~None.~~
ABSENT: ~~Councilmember Hammerstrom.~~
ABSTAIN: ~~None.~~

WILLIAM V. LEE,
~~Dave Turner,~~ Mayor

ATTEST:

June Lemos,
~~Acting~~ City Clerk

PUBLISH: ~~July 30, 2015 and September 3, 2015 (by summary)~~
EFFECTIVE DATE: ~~September 23, 2015~~