

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

An Ordinance to Amend Chapter 15.06 of the Fort Bragg Municipal Code to require sprinkler installation in buildings with building permits with a cumulative valuation of \$150,000 or more, over a three-year period.

ORDINANCE NO. XXX-2024

WHEREAS, the 2022 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 adoption by the California Building Standards Commission; and

WHEREAS, the City of Fort Bragg (“City”) wishes to adopt building code regulations in accordance with law and to use the most updated regulations to regulate building construction within the City; 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; and

WHEREAS, Government Code § 50022 *et seq.* authorizes cities to enact ordinances adopting any code by reference; and

WHEREAS, the City wishes to adopt the California Fire Code, California Code of Regulations, Title 24, Part 9, 2022 Edition, by reference into Chapter 15.05 of the Fort Bragg Municipal Code (California Fire Code) after conducting a public hearing on April 8, 2024; and

WHEREAS, because of the City’s unique climatic, geologic, and topographic conditions, the City made amendments and additions to the California Fire Code, California Code of Regulations, Title 24, Part 9, 2022 Edition; 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 proposed, reflects the modifications most beneficial to the health, safety and welfare of the City and the City Council desires the same modifications to the California Fire Code, California Code of Regulations, Title 24, Part 9, 2022 Edition; and

WHEREAS, because of the City’s unique climatic, geologic, and topographic conditions, the City desires to make amendments and additions to the building and fire code regulations, as set forth in Ordinance XXX-2024; and

WHEREAS, pursuant to California Health and Safety Code § 17958, 13143.5, and 18941.5 the City Council of the City of Fort Bragg determined that a departure from the California Fire Code, Part 9 of the California Building Standards Code, 2022 Edition, is reasonably necessary because of local climatic, geologic and/or topographic conditions.

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 require that the valuation of all building permits over a three year period should be summed to determine the valuation threshold; and

WHEREAS, the City of Fort Bragg, has determined that all costs, except for re-roofing, associated with rehabilitation of a building and except for solar panel (PV) installation, 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 commercial buildings have sprinklers installed as part of any series of rehabilitation activities over a three year period of more than \$150,000 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, pursuant to California Health and Safety Code sections 18941.5, 17958, and 13143.5 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, 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.

WHEREAS, on November 27, 2023, the City Council held a City Council meeting and discussed this item and agreed that the valuation calculation should be calculated on a cumulative basis over a three-year period; and

WHEREAS, prior to the effective date of this Ordinance, the City Clerk shall file a copy of the Ordinance, with the California Building Standards Commission.

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 to identify inconsistencies and inaccuracies as well as consistency with the 2022 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. Modifications and changes to the California Fire Code, as set forth in Chapter 15.05 of the Fort Bragg Municipal Code, are required in order to provide specific and greater protections to the public health, safety and welfare than are afforded by the California Building Standards Code due to local climatic, geological, and topographical conditions. The legislative findings for such modifications and changes are made pursuant to California Health and Safety Code § 17958.7 as set forth in Exhibit A of the Staff report and by this reference incorporated herein.
5. 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.
6. 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.

7. 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 cumulative major commercial building rehabilitation of more than \$150,000 in value over a three-year period and will thereby help to protect life and property from damage by structural fires.

8. Legislative Findings.

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.

9. 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.

10. 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.

11. 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.

12. 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.

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
- 15.06.050 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

§ 15.06.010 PURPOSE.

A. The California Fire Code, California Code of Regulations, Title 24, Part 9, 2022 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, 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, 2022 Edition, 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, 2022 Edition.

BUILDING PERMIT VALUATION. The value of repairs, maintenance and remodel work as determined by the 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 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.

1. Existing commercial and multifamily buildings which are remodeled, added to, or altered, including maintenance and repair activities, when the valuation of the cost of such work within any 36-month period exceeds \$150,000, shall have an automatic fire sprinkler system installed. The sprinkler system shall be connected with the City’s water service as determined by the Director of Public Works. Roof replacement costs and installation of solar panels (PV) will not be calculated in the \$150,000 limit. The \$150,000 valuation will be determined by the Mendocino County Planning and Building Department through their plan review process and completed on the application for any building permit.

2. The Fire Marshal shall: 1) review the 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 to determine if the Building Permit Valuation of the proposed work and all work completed on the Building for all active building permits exceeds the \$150,000 threshold.

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

§ 15.06.050 EXEMPTIONS AND WAIVERS.

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

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 Building in which automatic fire alarm systems or fire sprinkler systems have been installed shall have the systems inspected and maintained per NFPA 25 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 Building 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 “U” occupancies. These exceptions do not apply to 1- and 2-family dwellings within a Building 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 _____ at a regular meeting of the City Council of the City of Fort Bragg held on April 8, 2024, and adopted at a regular meeting of the City of Fort Bragg held on April __, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Bernie Norvell
Mayor

ATTEST:

Diana Sanchez
City Clerk

PUBLISH: March 28, 2024 and April __, 2024 (by summary).
EFFECTIVE DATE: May __, 2024.