

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**

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

**ORDINANCE NO. 951-2019**

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

**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, 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 concludes that the findings as set forth in Resolution No. 4197-2019 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. 4197-2019, 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 a commercial building must have sprinklers installed as part of any major rehabilitation 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 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 rehabilitation with a valuation of more than \$75,000, as determined by the Mendocino County Planning and Building Department through their plan review process and will thereby help to protect life and property from damage by structural fires.
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 4197-2019, 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 Chapter 15.05.
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 15.06 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, 2016 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, 2016 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, 2016 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.

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 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.

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 \$75,000 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 Norvell at a regular meeting of the City Council of the City of Fort Bragg held on September 9, 2019, and adopted at a regular meeting of the City of Fort Bragg held on September 23, 2019, by the following vote:**

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSE:**

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**WILLIAM V. LEE,  
Mayor**

**ATTEST:**

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**June Lemos, CMC  
City Clerk**

**PUBLISH:** September 12, 2019 and October 3, 2019  
**EFFECTIVE DATE:** October 23, 2019