



**CITY OF FORT BRAGG**

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**COUNCIL COMMITTEE ITEM SUMMARY REPORT**

**MEETING DATE:** May 6, 2015  
**TO:** Finance & Administration Committee  
**FROM:** Marie Jones & Samantha Zutler  
**AGENDA ITEM TITLE:** Receive Report and Provide a Recommendation to City Council  
Regarding an Update of the Fire Sprinkler Ordinance of the  
Municipal Code

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**ISSUE:**

Chapters 15.05 and 15.06 of the Fort Bragg Municipal Code (FBMC) establish the Fire Code and requirements for automatic fire sprinklers and alarm systems on properties within the Fort Bragg city limits.

Following extensive discussions in March and May of 2014, on October 14, 2014, the City Council considered modifications to the FBMC fire sprinkler regulations. At that meeting, the Council introduced Ordinance 914, as amended. Then, on November 10, 2014, the Council conducted a public hearing, received testimony, discussed further modifications to the ordinance, and adopted Ordinance 914 with further amendments.

Councilmember Hammerstrom has brought to our attention that the "new" version, as amended at the November 10 meeting, required a new reading prior to adoption and, thus, the Council's action to adopt Ordinance 914 was invalid. The result is that the versions of Chapters 15.05 and 15.06 that were in place prior to the October 14, 2014 Council meeting remain in place, without amendment.

**SUMMARY:**

Staff prepared this memo to inform the Council of the substantive differences between the "old" version of the Muni Code, the version the Council introduced on October 14, 2014, and the version the Council intended to adopt on November 10, 2014 so that the Council may determine a timeline for re-adopting a revised ordinance.

The key differences between the old and new ordinances are summarized below:

Existing FBMC Fire Sprinkler Requirements	Proposed Fire Sprinkler Requirements
The remodel valuation amount that triggers implementation of the ordinance requirements is \$50,000 within any three-year period.	Remodel valuation amount is increased to \$75,000.
The \$50,000 valuation calculation does not include all repair, maintenance and remodel costs.	All repair, maintenance and remodel costs are included in the \$75,000 valuation.
Requires that businesses within the City's central business district install fire sprinklers within 5 years of installation of an automatic fire sprinkler main. (Note: the City has not enforced this requirement in the one block where a main has been installed).	Required businesses within the City's core downtown block (where a main has been installed) to install fire sprinklers within four years of adoption of the ordinance.  NOTE: This requirement was removed from the November 10, 2014 version of the Ordinance.
The basis for valuing the remodel, repair and/or maintenance work is not clearly stated, making it difficult to enforce.	Modifications clarify and standardize the valuation process.
Approval process for remodel valuation, and appeal process was difficult to interpret and use.	Approval and appeal processes are clarified.

The following analysis addresses each of the recommended changes above.

**1) Remodel valuation amount increased to \$75,000.**

The City regularly receives building permit remodel applications for projects of more than \$50,000. Given that most people believe that the new ordinance requires sprinklers at \$75,000, contractors may coach their clients to keep remodel costs below \$75,000 in order to avoid installation of sprinklers. However, because the old/current ordinance actually requires that sprinklers be installed in projects up to \$50,000, not \$75,000, City staff will have difficulty addressing proposed projects that cost between \$50,000 and \$75,000, until this issue is resolved.

**2) Include all repair, maintenance and remodel costs in the new \$75,000 valuation calculation.**

No change, except that the old/ current ordinance is triggered by a \$50,000 valuation.

**3) Require businesses within the City's core downtown block (bounded by Laurel-Redwood-Franklin-Main) to install fire sprinklers within four years of adoption of the ordinance.**

The old/ current ordinance requires installation of sprinklers within five years of the installation of "automatic fire sprinkler mains... in targeted blocks within the downtown area of Fort Bragg." The City completed installation of an automatic fire sprinkler main in the alley of the block bounded by Main, Laurel, Franklin and Redwood in 2008, and the 5-year deadline passed. However, the City has not enforced the requirement to install sprinklers due to the recession. On October 14, 2014, the City introduced Ordinance

914 which established a new 4-year window for the property owners on that block to install automatic fire sprinklers. At the November 10, 2014 public hearing, the City Council voted to eliminate this requirement from the new ordinance until such time as grant funds might be available to provide low-cost loans to property owners for installation of sprinklers. Staff has since contact CDBG and determined that grant funding will only be made available if the City requires installation of the sprinklers. Absent a City requirement to install sprinklers, the City will be unable to secure CDBG funding to assist businesses with the installation of sprinklers.

**4) Modify the ordinance to clarify the basis of valuing the remodel, repair and/or maintenance work.**

The revised ordinance requires the completion of a project valuation form; the old/current ordinance does not. By requiring completion of a Sprinkler Valuation Form with the submission of a building permit, the new ordinance takes the guess-work out of the valuation process. Currently, under the old/current ordinance, valuation is estimated by the applicant on the building permit, and it is difficult to check the veracity of the valuation for remodel projects. Additionally many of the components of the value of a project (from a sprinkler installation perspective) are not typically included in the valuation for building permit purposes, such as interior painting and finishes.

**5) Revise the approval process for the sprinkler valuation and define a clear appeal process.**

Currently, there is no defined process for determining the valuation of improvements. Applicants have, in the past, refused to provide receipts or detailed information to the City, thus impeding the City's efforts to determine value. The new ordinance puts the burden on the applicant to prove that the Fire Inspector's estimate of value is incorrect. The new ordinance also defines an appeal process that places the burden on the applicant to prove, with evidence, that the value of the completed work is less than \$75,000.

**RECOMMENDATION:**

That the Committee recommend to the City Council that Ordinance 914 be re-adopted in a procedurally correct manner.

**ATTACHMENTS:**

1. Revised Ordinance 914, as adopted on November 10, 2014