

ORDINANCE NO. 2025 - 04

**AN ORDINANCE OF THE FRESNO COUNTY FIRE PROTECTION DISTRICT
ADOPTING THE 2025 EDITION OF THE CALIFORNIA FIRE CODE, AMENDING
THOSE PORTIONS IDENTIFIED HEREINUNDER, AND REPEALING ALL
CONFLICTING ORDINANCES AND PARTS OF ORDINANCES.**

The Board of the Fresno County Fire Protection District does ordain as follows:

SECTION 1:

The 2025 Edition of the California Code of Regulations, Title 24, Part 9, the California Fire Code, including all Appendices as published by the International Code Council, except as amended, three copies of which are on file in the office of the Fire Chief of the Fresno County Fire Protection District and available for inspection by the public, is adopted as the Fire Code of the Fresno County Fire Protection District as fully set forth in this Ordinance, save and except those insertions, deletions and changes prescribed in Section 3 of this Ordinance.

SECTION 2:

WHEREAS, Health and Safety Code Section 13869.7 establishes that a fire protection district may be recognized as the Authority Having Jurisdiction for purposes of adopting and amending the California Code of Regulations, Title 24, Part 9 (the California Fire Code); and

WHEREAS, Health and Safety Code Sections 17958 and 18941.5 establishes the procedures for adoption and amendment of the California Code of Regulations, Title 24, Parts 1 through 12; and,

WHEREAS, the Fresno County Fire Protection District recognizes that there are significant and disparate conditions that exist within the boundaries of the District; and,

WHEREAS, the Fresno County Fire Protection District recognizes that these conditions must be climatic, geological, and/or topographical in nature in order for a local Authority Having Jurisdiction to make amendments; and,

WHEREAS, the Fresno County Fire Protection District desires to establish appropriate means and measures to protect the welfare of the citizens, property and uninhabited land of the district;

**NOW THEREFORE, BE IT RESOLVED BY BOARD OF DIRECTORS OF THE FRESNO
COUNTY FIRE PROTECTION DISTRICT AS FOLLOWS:**

1. The above recitals are true and correct.
2. The Board of Directors finds that the climatic conditions within the boundaries of the Fresno County Fire Protection District create significant climatic issues which create drought in many portions of the District and that drought directly affects the available water supplies, including those used in fire suppression activities.
3. The Board of Directors finds that the topographic conditions within the boundaries of the Fresno County Fire Protection District create significant issues for Fire Access and Fire Operations in many portions of the District. Such issues include roads that are too steep to drive fire apparatus on, roadways that are blocked by snow or ice, structures built where access is limited due to intervening topographic features or are prone flooding or mudslides.
4. The non-administrative amendments to the California Code of Regulations, Title 24, Part 9, the California Fire Code are needed due to the climatic and topographic conditions indicated in items #2 and #3 above. These amendments are to the California Fire Code Sections as listed below in Section 3.

SECTION 3:

The following Sections of California Fire Code are amended as follows:

Section 101.1 Title; replace “[NAME OF JURISDICTION]” with “Fresno County Fire Protection District”.

Section 104.9.2 Fresno County Fire Protection District Policies; added section, Compliance with the most recent version Fresno County Fire Protection District Policies and Procedures manual shall be considered to be a “Code Compliant” design as permitted by CFC Section 104.9.

Section 113.4, Violation Penalties; replace “[SPECIFY OFFENSE]” with “Misdemeanor”.

Section 113.4, Violation Penalties; replace “[AMOUNT]” with “\$500.00”.

Section 113.4, Violation Penalties; replace “[NUMBER OF DAYS]” with “90 days”.

Section 507.2.3, Reservoirs; added section, “507.2.3 Reservoirs, Reservoirs shall meet the Requirements of Sections 507.2.3.1 through 507.2.3.4

507.2.3.1 Lining. All reservoirs used as part of the fire flow supply system shall be lined in accordance with nationally recognized standards.

507.2.3.2 Treatment. All reservoirs used as part of a fire flow supply system shall be chemically treated to maintain proper water balance and pH levels in accordance with nationally recognized standards.

507.2.3.3 Measurement. All reservoirs used as part of a fire flow supply system shall be provided with a system for measurement of the supply volume and a system for automatic refilling of the reservoir should the supply volume be reduced to less than 80% of the required volume.

507.2.3.4 Maintenance. "All reservoirs used as part of a fire flow supply system shall be maintained in accordance with NFPA 25 and nationally recognized standards".

Section 5704.2.9.6.1, Locations where above-ground tanks are prohibited; replace with the following: Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited by Fresno County Fire Protection District.

Section 5706.2.4.4, Locations where above-ground tanks are prohibited; replace "within the limits established by law as set forth in the fire code adoption ordinance or other regulation adopted by the jurisdiction." with "within the limits established by law as set forth in the fire code adoption ordinance, other regulation adopted by the Fresno County Fire Protection District, or where determined by the Fire Code Official".

Section 5806.2, Limitations; replace " within the limits established by law as set forth in the fire code adoption ordinance or other regulation adopted by the jurisdiction." with "within the limits established by law as set forth in the fire code adoption ordinance, other regulation adopted by the Fresno County Fire Protection District, or where determined by the Fire Code Official".

Section 6104.2, Maximum capacity within established limits; replace "within the limits established by law as set forth in the fire code adoption ordinance or other regulation adopted by the jurisdiction." with "within the limits established by law as set forth in the fire code adoption ordinance, other regulation adopted by the Fresno County Fire Protection District, or where determined by the Fire Code Official".

Appendix A, "Board of Appeals"; omit all of Section A101 and replace it with the Fresno County Fire Protection District Board of Appeals procedures, provided as Attachment A to this Ordinance.

Appendix B, Section B103.3; replace " NFPA 1142 or the California Wildland-Urban Interface Code." with "NFPA 1142 as amended by the Fresno County Fire Protection District. Systems may be pressurized to meet the required flow. Systems requiring the drafting of non-pressurized water supplies are permitted as specified in FCFPD Policies and Standards."

Appendix R

FIRE AND LIFE SAFETY MITIGATION ADDRESSING PHOTOVOLTAIC AND BATTERY ENERGY STORAGE

The District has determined that there is both a direct impact and a cumulative impact on emergency response capabilities of the District to respond to fire, rescue, and medical services emergencies posed by the operation of the solar PV projects.

The District has identified, based on several factors including project size, megawatts generated, additional energy projects built, and taking into account a consideration of response times and County General Plan recommendations, needed fire flow at such facilities and special hazards that are specific to the PV Projects, the additional personnel, capital facilities, equipment and apparatus to adequately serve the fire and emergency medical service demands of the existing and proposed PV Projects.

The following **Table 1** includes the current known list of proposed PV Projects in the District. There is an estimated 11,058 of BESS megawatts and 17,275 of Solar megawatts. The bulk of existing and proposed solar PV Projects exist or are planned in the western part of Fresno County served by the District.

TABLE 1

Megawatts Produced by Project		
Project Name	BESS MW	Solar MW
IP Darden	4,600	1,150
San Luis West	30	125
Sonrisa	184	200
Luna Valley	200	200
Heartland	300	300
Cornucopia	300	300
Key Storage	300	0
Midway	30	0
Panoche	14	0
Rosemary	100	0
VCIP	5,000	15,000
Total Megawatts Produced	11,058	17,275

Source: California Energy Commission

The total additional personnel, capital facilities, equipment and apparatus to adequately serve the fire and emergency medical service demands of the existing and proposed PV Projects in the District, are summarized in **Table 2**.

Table 2

Summary of Future Needs Costs		
Type	First Year Cost	Annual Cost
Safety Personnel	\$29,610,549	\$31,091,077
Non-Safety Personnel	\$1,757,829	\$1,757,829
Repairs and Maintenance	\$415,096	\$415,096
Supplies, Equipment & Services	\$1,182,106	\$1,182,106
Capital Equipment	\$20,597,467	\$2,349,667
Capital Facilities	\$71,320,000	\$2,020,000
Total Future Needs Costs	\$124,883,047	\$39,202,009

Source: Fresno County Fire Protection District

Based on a proportionate share analysis, 56% of the total costs are allocated to BESS megawatts due to the higher amount of firefighting needs as compared to Solar megawatts. **Table 3** allocates the First Year Cost and Annual Cost, by BESS and Solar, with the estimated amounts of megawatts produced or stored by each type of PV Project.

Table 3

Cost per Megawatt		
Type	First Year Cost	Annual Cost
BESS Cost per Megawatt		
BESS Future Needs Allocated Costs	\$70,171,784	\$22,027,609
BESS Projected Megawatts Produced	11,058	11,058
BESS Future Needs Costs per Megawatt	\$6,346	\$1,992
Photovoltaic Cost per Mega Watt		
Photovoltaic Future Needs Allocated Costs	\$54,711,263	\$17,174,400
Photovoltaic Projected Megawatts Produced	17,275	17,275
Photovoltaic Future Needs Costs per Megawatt	\$3,167	\$994
Total Future Needs Costs per Megawatt	\$9,513	\$2,986

A PV Project applicant or user can meet the funding cost per Megawatt by agreement with the District and/or in satisfaction of a condition for mitigation as required by the County or the California Energy Commission.

SECTION 4:

All other Ordinances or parts of Ordinances in conflict with this Ordinance are repealed.

SECTION 5:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Fresno County Fire Protection District declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SECTION 6:

Nothing in the Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance repealed by this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

SECTION 7:

The Clerk of the Fresno County Fire Protection District Board of Directors is ordered and directed to cause this Ordinance to be published in accordance with the provisions of Government Code Section 25124. Furthermore, the Clerk of the Fresno County Fire Protection District Board of Directors is ordered and directed to cause this Ordinance to be filed with the California Building Standards Commission in accordance with the CBSC's requirements.

SECTION 8:

This Ordinance shall take effect on February 01, 2026.

The first reading of the foregoing Ordinance was PASSED, APPROVED, and ADOPTED at a regular meeting of the Board of Directors of the Fresno County Fire Protection District held on December 17, 2025 by the following vote:

AYES: Brad Richter, Dan Mathers, Darryl Mendes, John Arabian,
Francisco Chavez
NOES: None

ABSENT: Stanley Bulla, John Diener

ABSTAIN: None



Brad Richter
President of the Board of Directors

ATTEST:



Louisa Alonzo

Clerk, Board of Directors

APPROVED AS TO FORM:



William D. Ross, District Counsel

APPROVED TO CONTENT:



Dustin Hail, Fire Chief

Attachment A

PROTECTION & PLANNING APPEAL PROCESS

Fresno County Fire Protection District (FCFPD) utilizes the California Fire Code as the regulatory document for Fire Protection and Planning standards. FCFPD will utilize the following process in the event an applicant does not agree with the interpretation of the Fire Code or its application. The appeal process may only be used by an applicant that has current plans under review by FCFPD and must provide an alternative method to be used for the appeal to be reviewed. The alternative method must meet the intent of the Fire Code and be equivalent to or stricter than the standard required by the Fire Code. The following Fire Code sections identify the process and potential allowances for the Fire Chief and applicant for the appeal process.

CALIFORNIA FIRE CODE:

Section 104.8 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impractical, and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life, and fire safety requirements.

103.1.4.2 (For State Fire Marshal) Appeals. When a request for an alternate means of protections has been denied by the enforcing agency, the applicant may file a written appeal to the State Fire Marshal for consideration of the applicant's proposal. In considering such appeal, the State Fire Marshal may seek the advice of the State Board of Fire Services, to determine if the proposal is for the purpose intended, at least equivalent to that specified in these regulations in quality, strength, effectiveness, fire resistance, durability, and safety and shall transmit such finding and any recommendations to the applicant and the enforcing agency.

FIRE DEPARTMENT PROCESS:

The FCFPD must be provided a set of written plans in the office located at 1700 Jensen Ave., Suite 103, Sanger, California to review and provide comment prior to any appeal. These plans will have all details of the site, underground, sprinklers with associated plumbing, alarms, fire pump, fire safe construction and required water storage. The plans will possess the exact construction location, contact phone numbers, and drawings of a State of California certified civil engineer, if applicable, for a fire protection system.

These plans will be reviewed by technical specialists for standards of the California Fire Code, Fresno County Ordinance 15.60 (for State Responsibility Fire Safe Regulations and all associated standards). A decision will be rendered in writing to provide total plans check comments and requirements.

APPEAL PROCESS:

Whenever the applicant, or any agency, or person(s) perceive there is an incorrect decision of the Fire Code made by the Fresno County Fire Departments Protection and Planning Section, a written appeal may be submitted to the FCFPD.

The submittal, which must be in writing, must also be received by FCFPD within ten (10) business days of the rendered decision on the involved project. The Appeal must have an explanation of the project type and classification. There shall be an explanation of requirements in question, the response as to why compliance may not be achieved, and a proposal for mitigation or alternative method(s) to be used to achieve Code compliance. All associated documentation, calculations, or any explanatory information must be provided with the Appeal at the request of FCFPD.

Upon acknowledging receipt of the Appeal, FCFPD shall respond in writing acknowledging the Appeal. This document will include a date for presentation of the Appeal to the Protection and Planning/Code Enforcement Division Chief or his/her designee.

The Protection and Planning/Code Enforcement Division Chief will evaluate all information for the "Practical Difficulties" and potential mitigation and the comparison to life safety and substantial justice. The Division Chief will render a decision in writing and logged into FCFPD's files with a copy to the applicant.

If the applicant does not agree with the decision made by the Protection and Planning/Code Enforcement Division Chief the applicant may appeal this decision to the Fire Chief or his/her designee for further review. The applicant must provide in writing a request to appeal the prior decision to the Fire Chief within ten (10) business days of the rendered decision of the Protection and Planning/Code Enforcement Division Chief.

If the applicant is not satisfied, the process may extend to the Office of the State Fire Marshal. This Appeal shall be out of the hands of FCFPD. The appeal shall be submitted to, the Office of the State Fire Marshal in Sacramento California under the previously identified section 103.1.4.2. Their decision will be submitted to both the applicant and FCFPD as a final decision.