

ORDINANCE NO. 2019 - 01

**AN ORDINANCE OF THE FRESNO COUNTY FIRE PROTECTION DISTRICT
ADOPTING THE 2019 EDITION OF THE CALIFORNIA FIRE CODE, AMMENDING
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 2019 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, 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 109, Board of Appeals; delete, "The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board."

Section 109.3, Qualifications; delete in its entirety.

Section 110, Violation Penalties; replace "[SPECIFY OFFENSE]" with "Misdemeanor".

Section 110, Violation Penalties; replace "[AMOUNT]" with "\$500.00".

Section 110, Violation Penalties; replace "[NUMBER OF DAYS]" with "90 days".

Section 106.2, Fees; replace "applicable governing authority" with "Fresno County Fire Protection District".

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"(see Section 3 of Sample Ordinance for Adoption of the California Fire Code on page xxv)" with "where determined by the Fire Code Official".

Section 5706.2.4.4, Locations where above-ground tanks are prohibited; replace

"(see Section 3 of Sample Ordinance for Adoption of the California Fire Code on page xxv)" with "where determined by the Fire Code Official".

Section 5806.2, Limitations; replace"(see Section 3 of Sample Ordinance for Adoption

of the California Fire Code on page xxi)" with "where determined by the Fire Code Official".

Section 6104.2, Maximum capacity within established limits; replace"(see Section 3 of Sample Ordinance for Adoption of the California Fire Code on page xxi)" with "or as 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; revise (as shown in italics) "... 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 B, Section BB105.2 Exception I; revise (as shown in italics)"...*fire flow of 50 percent, as approved...*"

Appendix B, Section BB105.2 Exception I; add (as shown in italics)" ... as specified in Table BB105.1. *The pump pressurizing the fire flow shall be capable of providing the required fire flow and any fire sprinkler demands at not less than 20 psi residual pressure at the most remote location served.*

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 January 1, 2020

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 18, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mike Del Puppo
President of the Board of Directors

ATTEST:

Deshaunda Hermosillo
Clerk, Board of Directors

APPROVED AS TO FORM:

APPROVED TO CONTENT:

William D. Ross, District Counsel

Mark A. Johnson, Fire Chief



FRESNO COUNTY FIRE

PROTECTION DISTRICT

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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 code sections identify the process and potential allowances for the Fire Chief and applicant for the appeal process.

STATUTE 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 210 S. Academy, 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 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:

Whenever the applicant, or any agency, or person(s) perceive there is an unjust decision or code interpretation of Fire Code handed down on behalf of the Fresno County Fire Departments Protection and Planning Section, a written request for appeal may be submitted.

The submittal must be received by FCFPD in written document within ten (10) business days of the rendered decision of the identified 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. All associated documentation, calculations, or any explanatory information must be provided with the Appeal at the request of FCFPD.

Upon 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 Battalion Chief or his/her designee.

The Protection and Planning/Code Enforcement Battalion Chief will evaluate all information for the "Practical Difficulties" and potential mitigations and the comparison to life safety and substantial justice. The Chief will render a decision and a written document logged into department'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 Battalion 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 Battalion 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.