

**ORDINANCE NO. 13-01**

AN ORDINANCE OF THE MORAGA-ORINDA FIRE DISTRICT OF CONTRA COSTA COUNTY, CALIFORNIA, ADOPTING, THE 2013 EDITION OF THE CALIFORNIA FIRE CODE (WITH CERTAIN AMENDMENTS) AND THE INTERNATIONAL FIRE CODE, 2012 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE MORAGA-ORINDA FIRE DISTRICT; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ORDINANCE NO.10-04 OF THE MORAGA-ORINDA FIRE DISTRICT; AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

THE BOARD OF DIRECTORS, AS THE GOVERNING BODY OF THE MORAGA-ORINDA FIRE DISTRICT; DOES ORDAIN AS FOLLOWS:

**SECTION 1. ADOPTION OF THE CALIFORNIA FIRE CODE.**

That a certain document, three (3) copies of which are on file in the District, Fire Prevention Division offices 1280 Moraga Way, Moraga, CA, being marked and designated as the California Fire Code, 2013 edition, including Appendix Chapters A, B, C, E, F, G, H, I, J, and the International Fire Code, 2012 Edition, as published by the International Code Council, be and is hereby adopted as the Fire Code of the Moraga-Orinda Fire District, in the State of California, regulating and governing the safeguards of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Moraga-Orinda Fire District are hereby referred to adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**SECTION 2. AMENDMENTS TO THE CALIFORNIA FIRE CODE.**

**Chapter 1 Scope and Administration.**

Section 101.1 is amended to read:

**101.1 Title.** These regulations shall be known as the Fire Code of the Moraga-Orinda Fire District, hereinafter referred to as "this code."

Section 102.1 is amended by adding item 5 to read:

**102.1 Construction and design provisions.** The construction and design provisions of this code shall apply to:

5. Where not otherwise limited by law, the provisions of this Code shall apply to vehicles, ships, boats, and mobile vehicles when fixed in a specific location within the boundaries of this jurisdiction.

Section 105.4.3 has been amended to add 105.4.3.1 to read:

**105.4.3.1 Responsibility of Permittee.** Building Permits shall be presumed by the city to incorporate all of the work that the applicant, the applicant's agent, employees and/or contractors shall carry out. Said proposed work shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No City approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

Section 105.6 is amended to read:

**105.6 Required operational permits.** The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.48 through 105.6.52.

**105.6.48 Battery Systems.** A permit is required to operate stationary lead acid battery systems having a liquid capacity of more than 50 gallons (189L) pursuant to Section 608.

**105.6.49 Christmas tree sales.** A permit is required to use a property for the purpose of selling cut Christmas trees, see applicable provision of Chapter 3 General Precautions Against Fire.

**105.6.50 Firework aerial display.** A permit is required to conduct a firework display regulated by California Code of Regulations Title 19 and this code, see Chapter 33.

**105.6.51 Model rockets.** A permit is required to sell or launch model rockets pursuant to California Code of Regulations Title 19, Division 1 Article 17.

**105.6.52 Temporary water supply.** A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 33.

Section 105.7 is amended to read:

**105.7 Required construction permits.** The fire code official is authorized to issue construction permits for operations set forth in Chapter 1, Sections 105.7.17 through 105.7.22

**105.7.17 Private water systems and fire hydrants.** A construction permit is required for the installation or modification of private fire water supply systems and hydrants.

**105.7.18 Access for fire apparatus.** A construction permit is required to install, improve, modify or remove public or private roadways, driveways, gates and bridges for required fire apparatus access.

**105.7.19 Construction, alteration, or renovation of a building for which a building permit is required.** A construction permit is required to construct, add to, alter, renovate, rebuild, or move into the jurisdiction a structure for which a building permit is required.

**105.7.20 Security gates.** A construction permit is required to install a gate across a fire apparatus access road, see Section 503.

**105.7.21 Subdivision of land.** Plans shall be submitted for all land developments and/or improvements proposed within the District.

**105.7.22 Water supply for fire protection.** Plans shall be submitted to determine adequate water supplies and fire hydrants are provided for all facilities, buildings or portions of buildings either constructed or moved into the District pursuant to Section 501.3.

Section 108.1 is modified to read:

**108.1 Board of Appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a Board of Appeals. The Board of Appeals is comprised of the Board of Directors. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

Section 109.3 is amended to read:

**109.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official or, of a permit or certificate used under provisions of this code, shall be subject to the criminal sanctions set forth in Health and Safety Code section 13871. Each day that a violation continues after such due notice has been served shall be deemed a separate offense.

Section 111.4 is amended to read:

**111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 500 dollars or not more than 5,000 dollars.

## **Chapter 2 Definitions**

Section 202 is amended by adding the following definitions:

**Administrator.** Shall mean the Fire Chief of the District.

**All weather driving surface.** A roadway designed to carry the imposed weight loads of fire apparatus complete with all underground utilities, curbs, gutters, and a minimum surface finish of one layer of asphalt or concrete or road pavers or other approved covering.

**Board of Directors.** Shall mean the governing body of the District.

**Central business district.** Is a downtown area of a city or business parks having a cluster of buildings generally 3 or more stories in height.

**Chief,** Shall mean the fire code official.

**Corporation counsel.** Shall mean the Attorney for the District.

**District Board.** Shall mean the Board of Directors of the District.

**Emergency Vehicle Access (EVA).** Shall mean an approved access meeting the requirements for fire district apparatus use and shall be restricted for the use of emergency vehicles.

**Firebreak.** Shall mean a continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

**Firetrail.** Is a graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

**Nuisance fire alarm.** The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse, of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire or similar event.

**Parcel** is a portion of land of any size, the area which is determined in the records of the County Assessor (Reference Health and Safety Code 14883).

**Person.** Includes; individuals, firms, partnerships, and corporations.

**Public nuisance.** Is a declaration by the fire code official that the presence of combustible materials on a parcel creates a fire hazard (Health and Safety Code 14875 and 14876).

**Response time.** Is the elapsed time from receipt of call to the arrival of the first unit on scene.

**Rubbish.** Is waste matter, litter, trash, refuse, debris and dirt on streets, or private property in the jurisdiction which is, or when dry may become, a fire hazard.

**Rural area.** Is that area generally designated for agricultural or open space uses with parcels over 10 acres (4.046873ha) in size.

**Rural residential area.** Is that area generally designated for single family residential use with parcels between 3 (1.2140619ha) and 10 (4.046873ha) acres in size.

**Running time.** Is the calculated time difference between leaving the first-due station and arriving on the emergency scene.

**Sky Lantern.** Is an untethered device with a fuel source that incorporates open flame in order to make the device airborne.

**Streets.** Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, trails, easements, and fire trails.

**Substantial addition or expansion.** Is an addition, expansion, remodel, or renovation of any structure where the new fire area exceeds fifty percent of the existing fire area.

**Suburban area.** Is that area generally designated for single family residential use with residential and non-residential uses generally less than 3 stories in height, and parcels up to 3 acres (1.2140619ha) in size.

**Temporary fire department access road for construction.** Is a temporary roadway for emergency vehicle use during construction of residential subdivision projects.

**Temporary fire department access road for construction of one (1) residential (R3) unit.** Is a temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

**Temporary water supply.** Is stored water for firefighting purposes in an aboveground tank during combustible construction.

**Tree litter.** Any limbs, bark, branches and/or leaves in contact with other vegetation or left to gather on the ground.

**Urban area.** Is a commercial or residential area having clusters of buildings generally 1 to 3 stories in height including primarily commercial areas of cities and clusters of apartment buildings or condominiums, and commercial corridors along major arterials.

**Weeds.** Means all weeds growing upon streets or private property in this jurisdiction and includes any of the following:

1. Weeds, which bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral, and any other brush or weeds which, attains such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds which are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth are such as to constitute a menace to public health.
5. Dry grass, stubble, brush, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

**Wildland-Urban interface area** Is that geographical area where structures and other human development meet or intermingle with wildland or vegetative fuels.

### **Chapter 3 General Precautions Against Fire**

Section 304.1.2 is amended to read:

**304.1.2 Vegetation.** Hazards created by the growth of weeds, grass, vines, diseased or dead trees, or other growth capable of being ignited and endangering life and property shall be mitigated in accordance with Section 319.

Section 308.1.6.3 is added to read:

**308.1.6.3 Sky Lanterns.** No person shall release or cause to be released an untethered sky lantern.

**311.2 Safeguarding vacant premises.** Section 311.2 subsection 311.2.2 is amended by deleting exception number 1.

Chapter 3 is amended to add Section 319 to read:

#### **319 Exterior Fire Hazard Control.**

**319.1 Scope** This section provides provisions intended to identify hazard areas and mitigate the risk of life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate fires from spreading to wildland fuels that may threaten to destroy life, overwhelm fire suppression capabilities, or result in large property loss.

**319.1.2 Purpose.** The purpose of this section is to establish minimum requirements in wildland-urban interface areas that will increase the ability of a building to resist the intrusion of flame or burning embers by a vegetation fire, including the identification of hazardous fire areas that require applicable defensible space provisions as set forth within and enforced by the fire code official and applicable state and local fire resistive building standards that are enforced by the local building official.

**319.1.3 Jurisdictional authority.** The Board of Directors as the supervising, legislative and executive authority of this jurisdiction has the authority to act pursuant to Part 5 (commencing with Section §14875), Division 12, of the State of California Health and Safety Code, to clear or order the clearing of rubbish, litter or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Such fire hazard abatement shall be conducted in accordance with the provisions of said Part 5 and/or this Ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceeding under this Ordinance and the Fire Protection District Law of 1961, the terms “Board of Directors” or “Board” when used in Part 5, shall mean the Board of Directors of this jurisdiction under this article; and the officer designated in Section §14890 of Part 5 shall mean the Fire Chief of this jurisdiction.

**319.1.4 Contract for services.** This Board of Directors reserves and retains the power to award a contract for such fire hazard abatement work where the employees of this jurisdiction are not used to perform such abatement work.

## **319.2 Definitions.**

**The following definitions are defined in Chapter 2:**

**Cost of abatement**  
**Parcel**  
**Person**  
**Public nuisance**  
**Rubbish**  
**Streets**  
**Tree litter**  
**Weeds**  
**Wildland-Urban interface area**

**319.3 Public nuisance.** The board of Directors may declare that all hazardous fire areas, including any combustible materials and dead trees, upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

**319.3.1 Weeds and rubbish.** The Board hereby declares that all dead trees or weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

**3.19.3.1.1. Seasonal and recurrent nuisance.** If the nuisance is seasonal and recurrent, the Board of Directors shall so declare. Thereafter, such seasonable and recurring weeds shall be abated every year without any further hearing.

**319.4 Unlawful Disposal.** Every person who places, deposits or dumps combustible material on a parcel whether or not he/she owns such parcel, or whether or not he/she so places or dumps on such parcel with the consent of the owner, thereof, is subject to the criminal sanctions set forth in Health and Safety Code Section 13871.

## **319.5 Abatement of hazard.**

**319.5.1 Weeds, dead trees and rubbish to be destroyed or removed.**

**319.5.2 Prohibition.** No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish or weeds, trees, or other vegetation, which constitutes a fire hazard.

**319.6 General abatement requirements.** The provisions of this section shall govern the abatement of combustible material creating a fire hazard upon premises (reference Government Code 51175-51189 and Public Resources Code 4291). The District shall develop minimum abatement standards for land in residential, business, industrial areas, or land which is unused or vacant, in rural or rural residential areas, or regardless of the area in which the property is located. Such standards shall be approved by the Board of Directors and may be modified periodically as circumstances dictate.

**319.6.1 Clearance of brush or vegetative growth from street.** The fire code official is authorized to required areas within 3 feet on each side and 15 feet in vertical height of fire apparatus roads and driveways to be abated of flammable vegetation and other combustible growth

**Exception:** Single specimens of trees ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy succulents or similar plants used a ground cover, provided that they do not form a means of readily transmitting fire and not lower than 15 feet in height from the roadway surface.

**319.6.2 Clearance of brush, vegetative growth and combustible material from parcels.** All parcels declared a public nuisance by the Board of Directors shall be cleared entirely of excessive combustible material. If the fire code official determines this impractical, the provisions of 319.6.2 may be used.

**319.6.2.1 Remove from parcel all dead trees deemed a fire hazard.**

**319.6.2.2** Parcels one acre or less (43,530 square feet) shall require abatement of the entire parcel.

**319.6.2.3** Parcels over one acre (43,560 square feet) may be required to comply with the following requirements:

1. Parcels shall provide 30-foot fuel breaks along the perimeter of the property line.
2. Parcels 10 acres or more shall provide a 30-foot cross break to divide the parcel into approximately 5-acre sections.

**319.7 Clearance of brush or vegetative growth from structures.** Any person owning, leasing, controlling, operating or maintaining any building in, upon, or adjoining any hazardous fire area shall at all times maintain defensible space around and adjacent to such building by removing and clearing away all excessive combustible material for a distance not less than 100 feet from all portions of the structure. Distances may be increased or decreased by the fire code official based on site specific analysis of local conditions.

**Exception:** Single specimens of trees ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy succulents or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire.

**319.7.1** Remove that portion of any tree that extends within 10 feet of the outlet of any chimney or stovepipe.

**319.7.2** Maintain any tree, shrub, or other plant adjacent to or overhanging any building free of dead limbs, branches or other combustible material.

**319.7.3** Maintain the roof of any structure and roof gutters free of leaves, needle, or other combustible materials.

**319.7.4** Maintain trees within 100 feet of any building or structure or within 10 feet of any portion of any highway, street, ally, or driveway which is improved or used for vehicle travel or other vehicular purposes, so that leafy foliage, twigs or branches are not within 5 feet of the ground.

**319.7.5** Maintain 5 feet of vertical clearance between roof surfaces and portions of trees overhanging any building or structure.

**319.8 Fire management plan.** A fire management plan shall be prepared by the applicant when required by the fire code official

**319.8.1 Cost.** The cost of the fire management plan preparation and review shall be the responsibility of the applicant.

**319.9 Abatement Procedures.**

**319.9.1 Abatement order.** The fire code official of this jurisdiction may order the abatement of weeds, trees, and rubbish as described in Sections 304.1.2 and 319.2 On making the order, the fire code official of this jurisdiction shall mail a copy of a notice to the owner of the affected property as he/she and his/her address appear upon the current and last county equalized assessment roll as of January 1 of each calendar year, or as his/her address is known to this jurisdiction. As an alternative to mailing, the notice may be posted upon the affected property and published in this jurisdiction, not less than ten (10) days prior to the date of the abatement hearing. Copies of the notice shall be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice shall be in substantially the following form:

**NOTICE TO ABATE WEEDS, DEAD TREES AND RUBBISH**

You are hereby notified that weeds, dead trees, and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You are hereby notified to remove the weeds, dead trees and rubbish within ten (10) days from the date of this notice. If you fail to do so, the Moraga-Orinda Fire District will remove it and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid. The lien may prevent the sale of the property and it shall be the responsibility of the property owner upon payment of the property taxes to have the lien removed. Contact the Fire District for a release of lien that must be filed by the property owner at the County Recorder's Office.

You are hereby further notified that the Board of Directors has declared that such weeds, dead trees and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Directors of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced. (Signed): (Name of fire code official of name of jurisdiction).



**319.9.1.1. Notice for seasonal and recurring nuisance.** In the case of weeds which have previously been declared to constitute a seasonal and recurring nuisance, a fire code official will mail a post card notice to the owner(s) of the property at the address as it appears on the current assessment roll. The notice will state that dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property and that they constitute a public nuisance that must be abated by removal. If the nuisance is not removed, it will be abated by the Moraga-Orinda Fire District, in which case the costs of removal will be assessed from the land upon which or in front of which the weeds were removed. The cost will constitute a lien upon the property until paid. No hearing will take place.

**319.9.1.2. Immediate hazard.** When, in the opinion of the fire code official, the Fire Chief, or the Board of Directors, an extreme fire hazard exists which constitutes an immediate threat to public health, safety, and welfare, and it is deemed necessary to abate such hazard as promptly as possible, said fire hazard shall be removed or abated within five (5) days of the posting of the Notice to Abate on the affected parcel or within five (5) days of receiving by mail the Notice to Abate. Nothing herein shall authorize the entry upon private property not otherwise open to the public, without the owner's consent or possession of an abatement or inspection warrant unless it is determined that there is an immediate and eminent threat of injury or death to any person if immediate action is not taken.

**319.9.2 Hearing date.** A date for hearing on the notice shall be set at least ten (10) days after the date of this notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show cause why the order shall not be enforced. For good cause shown, the Board of Directors may extend the time for compliance with the order or may rescind the order.

**319.9.3 Contract award.** If the owner fails to comply with the order, the fire code official of this jurisdiction may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it shall be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel.

**319.9.4 Abatement report of costs.** The fire code official or his or her designee abating the nuisance shall keep an account of the cost of abatement in front of or on each separate parcel of land and shall render an itemized report in writing the Board of Directors showing the cost of removing the weeds, dead trees and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Directors, a copy of it shall be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. Said report and notice shall also be posted for the said three days in two other public places in the District. At the time fixed for receiving and considering the report, the Board of Directors shall hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Directors may make such modifications in the report, as it deems necessary, after which by order of resolution, the report shall be confirmed. The amounts of the cost, including administrative costs, for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed shall constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation in the office of the County Recorder of the County in which the property is situated of a certified copy of the Resolution of Confirmation.

**319.9.5 Cost assessments.** Upon confirmation of the report of cost by the Board of Directors of this jurisdiction and the recordation of the Resolution of Confirmation by the administrator, a copy of the report of cost shall be sent to the County Auditor, who shall enter the amount of the assessments against the parcels. Thereafter the amount of the assessments shall be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

### **319.9.6 Alternate Mitigation.**

**319.9.6.1 Firebreaks/fuelbreaks.** In lieu of ordering abatement as provided in Section 319.6 the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official shall consider the height of the growth, weather condition, topography, and the accessibility to the property of fire protection equipment. The procedure set forth in Section 319.9.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

**319.9.6.2 Fire protection plans.** In lieu of vegetation abatement the property owner shall submit a Fire Protection Plan for the property. The plan shall be specific to the property and shall describe ways to minimize, mitigate and/or eliminate potential for loss from wildfire exposure. The plan shall be developed and approved by the Fire District and the property shall be verified as compliant with the plan throughout the year. Verification of compliance shall be completed by a third party individual or firm knowledgeable in such matters and approved by the Fire District each year.

### **319.9.7 Subsurface Fire, Penalties Therefore.**

**319.9.7.1 Peat fire.** It is the duty of each person, firm, corporation, or association not to permit a peat fire in or a fire involving combustible vegetable materials under the surface of the natural ground to remain upon his property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at his own cost and expense.

**319.9.7.2 Fire suppression costs.** If there exists upon the lands of any person as herein defined a subsurface fire involving the burning or combustion of peat or vegetable matter and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against said person. The charge shall constitute a debt of that person and is collectable by the Fire District incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See State of California Health & Safety Code §13009).

## **Chapter 4 Emergency Planning and Preparedness**

Section 401.5 is amended to add:

**401.5.1 False/Nuisance alarm Fee.** A fee may be charged for false/ nuisance alarms according to the adopted fee schedule of the District.

Chapter 4 is modified by deleting the following sections:

- Section 404** deleted in its entirety.
- Section 405** deleted in its entirety.
- Section 406** deleted in its entirety.
- Section 408** deleted in its entirety.

## **Chapter 5 Fire Service Features**

Section 502 is amended to add the following definition. The following term is defined in Chapter 2:

### **All weather driving surface**

## **Section 503 Fire Apparatus Access Roads**

**503.1.1 Buildings and facilities.** Section 503.1.1 is amended to add an exception 4 as follows:

4. The decision to modify, and the extent of any such modification shall be in accordance with minimum standards established by the fire code official.

**503.1.2 Additional access.** Section 503.1.2 is amended to add Sections 503.1.2.1 and 503.1.2.2 as follows:

**503.1.2.1 Required additional access roads for residential developments.** The minimum number of access roads serving residential development(s) shall be based upon the number of dwelling units served as follows:

- 1-25 units, one public or private access road
- 26-150 units, one public or private access road and one emergency access road
- 151+ units, a minimum of two public or private access roads

**503.1.2.2 Access to open spaces.** When access to open land/space or fire trail systems maintained for public or private use is obstructed by new development of any kind, the developer shall provide alternate acceptable access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

**503.2.1 Dimensions.** Section 503.2.1 is amended to add subsections 503.2.1.1, 503.2.1.2, and 503.2.1.3 as follows:

**503.2.1.1 Outsets.** A fire department access road designed to be a minimum 20 feet (6096 mm) in width shall be provided with outsets adjacent to and in front of fire hydrants providing a 28 foot (8535 mm) wide roadway for at least 20 feet (6096 mm) in both directions measured from centerline of the fire hydrant.

**503.2.1.2 Parking of vehicles on fire apparatus access roads.** For the parking of vehicles on a fire apparatus access road, roadway widths shall be increased to accommodate the parking of vehicles as follows:

1. Roadways 20 feet (6096 mm) in width, no parking permitted,
2. Roadways 28 feet (8534 mm) in width, parking permitted on one side only. Parking is permitted on the side of the street absent fire hydrants, and
3. Roadways 36 feet (10973 mm) in width when parking is not restricted.

**503.2.1.3 Road widths for fire department access roads serving 1 or 2 dwelling units.** A fire department access road serving less than three dwelling units may be a minimum of 16 feet (4877 mm) in width if no parking is permitted on the roadway.

## **503.2 Specifications.**

Sections 503.2.3 through 503.2.5 are amended to read:

**503.2.3 Surface.** When required by the fire code official, fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access surface shall be designed, installed and maintained to support a minimum load of 40,000 pounds, and in accordance with Cal Trans Design Standard H-20.

**503.2.4 Minimum turning radius.** A fire department access road shall have a minimum standard turning radius of 28 feet (6096 mm) inside and a 48 foot (12 192 mm) outside diameter.

**503.2.5 Dead ends.** Dead end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

Section 503.2.7 is to read:

**503.2.7 Grade.** The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus. A Fire department access road having a grade of 16% and 20% shall be designed to have a finished surface of grooved concrete to hold 40,000 pounds (18,144 kg) (H-20 Cal-Trans Design Standard). Design for grooved concrete shall be ½ inch (6mm) by ½ inch (6mm) and 1-1/2 inch (38mm) on center. Grades exceeding 20 percent and cross slopes of greater than 8 percent are not permitted unless authorized in writing by the fire code official.

**Exception:** Other approved all weather surfaces may be used if the skid resistance is equivalent to or greater than grooved concrete as certified by a registered engineer, in accordance with ASTM E274 and approved by the fire code official.

Section 503.2. is amended to modify Section 503.2.8 and add Section 503.2.9 to read:

**503.2.8 Angles of approach and departure.** The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section 503.1.1 **Buildings and Facilities** is amended to add exception 4 as follows:

4. Buildings or portions of buildings exceeding 35 feet (10668 mm) in height above the lowest level of fire department access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

Section 503 is amended to add:

**503.2.1 Width.** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 35 feet (10 668 mm) in height.

**503.2.2 Proximity to building.** At least one of the required access routes meeting this condition shall be located within a minimum of 20 feet (6096 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

**Exception:** Access routes serving structures greater than 75 feet (22 860 mm) in height and designed to high-rise standards.

### **505 Premises Identification.**

Section 505 is amended by adding Section 505.3.1.1 to read:

**505.1.1 Street names and addressing.** Street names and addressing shall be submitted for review and approval to the District, approval not to be unreasonably withheld.

### **507.2 Type of water supply.**

Section 507.2 is amended by adding Sub-Section 507.2.3 to read:

**507.2.3 Suburban and rural water supply storage.** Swimming pools, ponds, and underground cisterns which would require a drafting operation shall not be considered water storage for the purposes of Section 507.1. Design criteria for water supply delivery shall be approved by the Fire District.

## **Chapter 6 Building Services and Systems**

### **603.6 Chimneys.**

Section 603.6 is amended by adding subsection 603 to read:

**603.2.1 Sparks from chimneys.** Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators by the Mechanical Code.

## **Chapter 9 Fire Protection Systems**

Section 902.1 is amended to add:

The following definition is defined in chapter 2:

### **Substantial addition or expansion**

### **903 Automatic sprinkler systems**

Section 903 is amended to add:

**903.1. General.** Automatic sprinkler systems shall comply with this section. For the purposes of this section, fire walls shall not be considered as creating separate buildings.

**903.2 Where required.** Approved automatic sprinkler systems shall be installed in new buildings with a gross floor area that exceeds 5000 square feet and in the locations set forth in section 903.6.4.

### **Exceptions:**

1. Systems which are required to mitigate deficiencies shall be installed in accordance with requirements as deemed necessary by the fire code official.

**903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

### **Exceptions:**

1. See California Fire Code

2. See California Fire Code.
3. See California Fire Code.
4. See California Fire Code.
5. Detached Group U private garages accessory to a Group R-3 occupancy.

### **903.3.5 Water supplies.**

Section 903.3.5 is amended to add subsection 903.3.5.3 to read:

**903.3.5.3 Non-permissible water supply storage.** Swimming pools, ponds, and underground cisterns shall not be considered water storage for the purposes of Section 903.3.5.

**Exception:** Secondary water supplies for fire pumps in commercial buildings where the primary water supply is provided by a municipal water purveyor.

### **903.6 Where required in existing buildings and structures.**

Section 903.6.1 has been added to read:

**903.6.1 Change in occupancy classification.** Existing non-residential buildings which undergo a change in occupancy classification to higher hazard occupancy shall require the entire building be protected by an automatic sprinkler system installed in accordance with Section 903.3. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category.

Section 903.6.2 has been added to read:

**903.6.2 Undeclared use and tenant space.** In buildings of undeclared use or with tenant space areas; the fire sprinkler system may be required to conform to the design density of the most hazardous occupancy use allowed within the building.

Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner/and or tenant occupant to upgrade the system.

Section 903.6.3 is added to read:

**903.6.3 Substantial Remodel.** In an existing building, if a substantial remodel occurs, the entire building shall be protected by an automatic sprinkler system in accordance with section 903.

Section 903.6.4 is added to read:

**903.6.4 Group R-3 Substantial Remodel or Expansion.** An automatic sprinkler system in accordance with NFPA 13D shall be provided throughout all existing R-3 dwellings where a substantial remodel or expansion occurs **and** the new total fire area of the structure exceeds 3600 feet.

## **Chapter 10 Means of Egress**

Section 1027.5 is amended by adding a new subsection 1027. 5.1 to read:

**1024.5.1 Exit discharge surface.** Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather and terminate at a public way as defined in the California Building Code.

## **Chapter 33 Fire Safety During Construction and Demolition**

Section 3301.3 is added to read:

**3301.3 Construction documents.** Construction documents and schedule for demolition must be submitted to the fire code official when required by the building code official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved by the fire code official.

Section 3301.4 is added to read:

**3301.4 Permits.**

**3301.4.1 Temporary fire department access road for construction.** For permit to utilize a temporary fire department access road for construction regulated by Section 3310.1, see Section 105.7.

**3301.4.2 Temporary fire department access road for construction of one (1) residential (Group R-3) unit.** For permit to utilize a temporary fire department access road for construction regulated by Section 3310.1, see Section 105.7.

**3310.4.3 Temporary water supply.** For permit to utilize a temporary water supply for construction of residential projects or subdivisions regulated by Section 3312.1, see Section 105.7.

Section 3310 Access for Firefighting is amended to add:

**3310.1 Required access.** Approved emergency vehicle access for fire and other emergencies shall be provided to all construction or demolition sites in accordance with this section.

**3310.1.1 Permit.** A permit is required for a temporary fire department access road, see Section 105.7.12.

**3310.1.2 Temporary fire department access road for construction.** The use of a temporary roadway in lieu of permanent roadways is limited to April 15<sup>th</sup> through October 15<sup>th</sup>. Timelines may be modified by the fire code official depending on inclement weather conditions.

**3310.3 Obstructions to access roads.** Staging of building materials, placement of equipment or parking of worker vehicles shall not take place within the required width of a fire department access road.

**3310.3.1 Access to structures.** Staging of building materials, placement of equipment or parking of worker vehicles shall not obstruct frontal access to structures under construction or fire hydrants.

**3310.3.2 Construction site locks.** Site security gates shall be provided with a District padlock. Application for a District padlock is made through the Fire Prevention Office.

**3312 Water supply for fire protection.**

Section 3312 is amended to add: Subsections 3312.1.1 and 3312.1.2 to read:

**3312.1.2 Permit.** A permit is required for temporary water supplies, see Section 105.7.12.

**3312.1.2 Temporary water supply for subdivisions.** For construction of residential projects or subdivisions temporary water supplies are permitted only for construction of model units.

**Chapter 33 is amended to add Section 3318 to read:**

**Section 3318 Demolition of structures**

**3318.1 Construction documents.** Construction documents and schedule for demolition must be submitted to the fire code official when required by the building code official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved by the fire code official.

## **Chapter 50 Hazardous Materials-General Provisions**

Section 5001.5 is amended to add Section 5001.5.3 to read:

**5001.5.3 Emergency response support information.** Floor plan, material safety data sheets, Hazardous Materials Inventory Statements (HMIS), Hazardous Materials Management Plan (HMMP) and other information may be required to be stored in cabinets outside of facilities or buildings. Information may be required in a specific electronic media format to facilitate computer aided dispatching.

## **Chapter 56 Explosives and Fireworks**

Section 5601 is amended to add Sections 5601.2, 5601.3, 5601.3.1, 5601.4, and 5601.5 to read:

**5601.2 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.** The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the District are prohibited.

### **Exceptions:**

1. Firework storage within the jurisdiction of the District is limited to aerial fireworks in conjunction with an approved and permitted aerial display, in accordance with California Code of Regulations, Title 19, Chapter 6.
2. Snap Caps and Party Poppers as classified by the Office of the State Fire Marshal as pyrotechnic devices.

**5601.2.1 Prohibited and Limited Acts.** The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned of industrial or agricultural uses. In districts where storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 5601.8.1 and 5601.8.11.

**5601.3 Rocketry.** The storage, handling and use of model and high-power rockets shall comply with the requirements of California Code of Regulations, Title 19, Article 17 and when appropriate NFPA 1122, NFPA 1125, and NFPA 1127.

**5601.3.1 Ammonium nitrate.** The storage and handling of ammonium nitrate shall comply with the requirements of Chapter 40 and NFPA 490.

**Exception:** Storage of ammonium nitrate in magazines with blasting agents shall comply with the requirements of NFPA 495.

**5601.4 Residential uses.** No person shall keep or store, nor shall any permit be issued to keep or store, any explosives, fireworks or pyrotechnic material at any place of habitation, or within 100 feet (30 480mm) thereof.

**Exception:** Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale in accordance with International Fire Code Section 5606.



**5601.5 Sale and retail display.** The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the District is prohibited.

**Exception:** Snap Caps and Party Poppers as classified by the Office of the State Fire Marshal as pyrotechnic devices.

**5608 Fireworks display.** Section 5608 is amended by adding Sections 5608.2, 5608.2.1, and 5608.3 to read:

**5608.2 Permit required.** Permits to conduct an aerial display shall be required as set forth in Section 105.6.47 and regulated in accordance with California Code of Regulations, Title 19, Chapter 6 and this section.

**5608.2.1 Prohibited and Limited Acts.** Storage of explosive materials is prohibited within the limits established by law as the limits of districts in which such storage is prohibited, see Section 7. In districts where the storage of explosive materials is permitted the quantities of explosives and distances shall be in accordance with International Fire Code Sections 5601.8.1 and 5601.8.1.1.

**5608.3 Financial responsibility.** Before a permit is issued, as required by Section 5608.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

## **Chapter 57 Flammable and Combustible Liquids**

Section 5704.2.9.5.1 is amended to add an exception to read:

**5704.2.9.6.1 Locations where above-ground tanks are prohibited.** 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, see Section 3.

**Exception:** Protected aboveground tanks constructed in accordance with UL 2085 standards, for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size not to exceed 500 gallons (1892 L) of either Class I or II liquids or 1,000 gallons (3785 L) for Class III liquids.

**SECTION 3.** That the geographic limits referred to in certain sections of the 2013 California Fire Code are hereby established as follows:

**3.1** The limits referred to in Section 5704.2.9.6.1 of the California Fire Code in which storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited, are hereby established as follows: Any area which is zoned for other than commercial, industrial, or agricultural use.

**3.2** The limits referred to in Section 5706.2.4.4 of the California Fire Code in which storage of Class I and II liquids in above-ground tanks is prohibited, are hereby

established as follows: Any area which is zoned for other than commercial, industrial, or agricultural use.

**3.3** The limits referred to in 5806.2 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited is hereby established as follows: Any area which is zoned for other than industrial use.

**3.4** The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: Any central business district area as defined by this code, any area which is zoned for other than commercial, industrial, rural, or agricultural use.

#### **SECTION 4. REPEAL OF CONFLICTING ORDINANCES.**

**13.1 Repeal.** The following Ordinance previously adopted by the Board of Directors is hereby repealed: Ordinance # 10-04, Moraga-Orinda Fire District (California Fire Code, 2010 Edition).

#### **SECTION 5. VALIDITY.**

**14.1 Validity.** The Board of Directors of the District hereby declares that should any section, paragraph, sentence or work of this Ordinance or of the California Fire Code, 2013 Edition and the International Fire Code, 2012 Edition as adopted and amended herein be declared for any reason to be invalid, it is the intent of the Board of Directors of the District that it would have passed all other portions or provisions of this Ordinance independent of the elimination here from any such portion or provision as may be declared invalid.

#### **SECTION 6. MORE RESTRICTIVE REQUIREMENTS.**

**15.1 More restrictive requirements.** In the event the City of Orinda, Town of Moraga, or Contra Costa County, adopt more restrictive requirements, or amend those provisions contained herein, those more restrictive or amended requirements shall only apply within the jurisdiction adopting such requirements.

#### **SECTION 7. DATE OF EFFECT.**

**16.1 Date of effect.** This Ordinance shall become effective on January 1, 2014, and within fifteen (15) days of passage, shall be published once with the names of the Directors voting for and against it, in the Contra Costa Times, a newspaper of general circulation in this District. Passed and Adopted on October 16, 2013, by the following Vote:

AYES: Directors Anderson, Evans, Famulener, Weil, and President Wyro

NOES: None

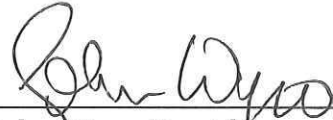
ABSENT: None

ABSTAIN: None

ATTEST:



Grace Santos, Secretary  
Board of Directors



John Wyro, President  
Board of Directors