

BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA

AN ORDINANCE REPEALING)
CHAPTER 8.20 AND ADOPTING)
A NEW CHAPTER 8.20 TO)
REFLECT THE CITY'S)
RATIFICATION OF MORAGA-)
ORINDA FIRE DISTRICT)
ORDINANCE 23-01) ORDINANCE NO. 23-03
)

The City Council of the City of Orinda DOES ORDAIN as follows:

SECTION 1. The City Council of the City of Orinda finds that:

1. The State of California has adopted the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9) (the "Fire Code").
2. On February 15, 2023, pursuant to California Health & Safety Code Section 13869.7, the Moraga-Orinda Fire District ("MOFD") adopted its Ordinance No. 23-01 adopting the California Fire Code by reference with certain amendments and modifications.
3. On February 17, 2023, MOFD transmitted the adopted ordinance to the City of Orinda. Pursuant to Resolution No 22-23, the City of Orinda has ratified MOFD's ordinance, thereby adopting the Fire Code with the amendments and modifications made in MOFD Ordinance No. 23-01. The City has also ratified MOFD's findings of necessity that justify the modifications to the Fire Code made in Ordinance No. 23-01. The City will also transmit its Resolution No. 22-23, along with MOFD Ordinance No. 23-01, to the state Department of Housing and Community of Development, as required by Health & Safety Code § 13869.7(c).
4. Accordingly, the City of Orinda is repealing Chapter 8.20 and adopting a new Chapter 8.20 to reflect the City's ratification of the MOFD ordinance.

SECTION 2. Chapter 8.20 is repealed in its entirety, and a new Chapter 8.20, as shown in Appendix A attached to this ordinance and incorporated by this reference, shall be added to the Orinda Municipal Code.

SECTION 3. This ordinance is consistent with the Orinda General Plan. This ordinance will not have a significant adverse effect on the environment as defined in the California Environmental Quality Act.

SECTION 4. This ordinance becomes effective 30 days after adoption.

SECTION 5. The City Clerk shall either (a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once 5 days before its adoption and again within 15 days after adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Orinda held on March 7, 2023, and was adopted and ordered published at a regular meeting held on March 21, 2023, by the following vote:

AYES: COUNCILMEMBERS: Gee, Iverson, Malkani, Miller, Riley

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None



Inga Miller, Mayor

ATTEST:



Sheri Smith, City Clerk

Appendix A: New Chapter 8.20.

APPENDIX A

Chapter 8.20 - FIRE SAFETY

8.20.010 - Adoption.

- A. The fire code of the city is the 2022 California Fire Code (California Code of Regulations, Title 24, Part 9 (based on the 2021 International Fire Code)) as amended by the changes, additions, and deletions set forth in the Moraga-Orinda Fire District's Ordinance 23-01.
- B. As of the effective date of the ordinance codified in this Chapter, the Moraga-Orinda Fire District's Ordinance 23-01 and the Moraga-Orinda Fire District's accompanying Findings of Fact that the proposed amendments are reasonably necessary because of local climatic, geological, or topographical conditions shall have been filed with the California Department of Housing and Community Development.
- C. As of the effective date of the ordinance codified in this chapter, the provisions of the 2022 California Fire Code as amended by the changes, additions, and deletions set forth in the Moraga-Orinda Fire District's Ordinance 23-01 are controlling and enforceable within the City.
- D. The provisions of this Chapter are to be read in conjunction with the provisions of Title 15, Chapter 15.08 "Building Code" of this Code, which adopts and modifies the 2022 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2).

8.20.020 - Purpose.

- A. This chapter regulates the use of construction materials and requires the installation of specific fire safety features in construction in the city.
- B. This chapter implements the safety element of the city's General Plan to:
 - 1. Coordinate the review of development applications between the city and the Moraga-Orinda Fire District; and
 - 2. Regulate the design of buildings and siting to enhance maximum fire prevention and protection.
- C. To the extent that a provision of this chapter conflicts with a provision of the 2022 California Building Standards Code, or any sections of the Orinda Municipal Code which have adopted the 2022 California Building Standards Code by reference and which have been adopted by reference into this code, this chapter shall prevail. This chapter regulates building construction in the city due to the

characteristics of the city's climate, topography and geology which necessitate variations from the 2022 California Building Standards Code.

8.20.030 – Enforcement.

The City of Orinda's Fire Code, which is composed of the 2022 California Fire Code as modified by the Moraga-Orinda Fire District Ordinance 23-01, shall be enforced by the Moraga-Orinda Fire District. See MOFD Ordinance 23-01 and Orinda City Council Resolution 22-23.

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