

ORDINANCE NUMBER BFPD 2019-02

AN ORDINANCE OF THE BURNEY FIRE PROTECTION DISTRICT ADOPTING THE 2016 EDITION OF THE CALIFORNIA FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS, OR EXPLOSIONS AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; REPEALING ORDINANCE NO. BFPD 2013-01 OF THE BURNEY FIRE PROTECTION DISTRICT.

WHEREAS, the Burney Fire Protection District (Fire District) was formally organized in 1939 and is governed a Board of Directors receiving statutory authority under The Fire Protection District Law (Health & Safety Code §13800, et seq.) and is responsible within its jurisdictional boundaries for fire and life safety code regulation and enforcement as it applies to building construction, building renovation and related fire and life safety property matters; and

WHEREAS, pursuant to Article XIII of the California Constitution the Service Fees levied for providing these products or services or regulation thereof are as an incident of cost recovery for staff time equipment usage and related expenses resulting from a voluntary act of an individual, and not as a result of property ownership; and

WHEREAS, expenses of the Fire District continue to increase and from time to time Service Fees must be re-evaluated to ensure they are a true and accurate representation of the expense incurred by the Fire District to provide these products, services or regulation thereof; and

WHEREAS, the 2016 version of the California Fire Code which is based on the 2015 edition of the International Fire Code, as published by the International Code Council uses the most current and up-to-date industry standards to address fire and life safety matters in reference to building construction, building renovation and related fire and life safety property matters, is a more current version of the 2010 California Fire Code which is currently adopted by the Fire District; and

WHEREAS, the 2016 version of the California Fire Code requires specific language to be edited by the adopting agency to address matters of local importance; and

WHEREAS, current Ordinance BFPD 2009-01 sets a Service Fee structure using outdated hourly rates, and does not address the staff workload disparity between reviewing new construction, and reviewing additions or remodels to existing structures.

NOW THEREFORE,

It is found, determined, and ordained by the Board of Directors of the Burney Fire Protection District to adopt the 2016 California Fire Code, 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 as herein provided; providing for the

issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of this code on file in the office of the Fire District are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, and changes prescribed below.; repealing Ordinance BFPD 2009-01 and all other Ordinances or parts of laws of the Fire District in conflict therewith.

1. LOCAL EDITS TO THE CALIFORNIA FIRE CODE

1.1. In Section 101.1. of the California Fire Code, the Fire District inserts the words "Burney Fire Protection District" in place of the words [NAME OF JURISDICTION], so that this code language reads:

[A] 101.1 Title. These regulations shall be known as the Fire Code of Burney Fire Protection District, hereinafter referred to as "this code."

1.2. In Section 109.4. of the California Fire Code, the Fire District inserts "misdemeanor", "\$750.00", and "90 days" place of the words [OFFENSE, DOLLAR AMOUNT, NUMBER OF DAYS], so that this code language reads:

[A] 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 guilty of a misdemeanor, punishable by a fine of not more than a fine of \$750.00 or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

1.3. In Section 111.4. of the California Fire Code, the Fire District inserts "\$500.00" and "\$750.00" in place of [DOLLAR AMOUNT IN TWO LOCATIONS], so that this code language reads:

[A] 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 \$500.00 dollars or more than \$750.00 dollars.

1.4. In Section 5704.2.9.6.1 of the California Fire Code, the Fire District edits the language so that this code reads:

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 in any area as established by applicable land-use and zoning standards.

1.5. In Section 5706.2.4.4 of the California Fire Code, the Fire District edits the language so that this code reads:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited in any area as established by applicable land-use and zoning standards.

1.6. In Section 5806.2 of the California Fire Code, the Fire District edits the language so that this code reads:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area as established by applicable land-use and zoning standards.

1.7. In Section 6104.2 of the California Fire Code, the Fire District edits the language so that this code reads:

6104.2 Maximum Capacity. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested commercial areas, the aggregate capacity of any one installation shall not exceed 2,000 gallons water capacity, except that in particular installations this capacity limit may be altered at the discretion of the chief after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the Fire District. The storage of liquefied petroleum gas is prohibited in any area as established by applicable land-use and zoning standards.

2. ADOPTED APPENDICES OF THE 2016 CALIFORNIA FIRE CODE:

2.1. Appendix A Board of Appeals.

2.1.1. SUMMARY- This appendix contains optional criteria that, when adopted, provide jurisdictions with detailed appeals, board member qualifications and administrative procedures to supplement the basic requirements found in Section 108 of this code.

2.2. Appendix B Fire-flow Requirements for Buildings.

2.2.1. SUMMARY- This appendix provides a tool for the use of jurisdictions for determining fire-flow requirements in accordance with Section 507.3

2.3. Appendix C Fire Hydrant Locations and Distribution.

2.3.1. SUMMARY- This appendix focuses on the location and spacing of fire hydrants, which is important to the success of fire-fighting operations.

2.4. Appendix D Fire Apparatus Access Roads.

2.4.1. SUMMARY- This appendix contains more detailed elements for use with the basic access requirements found in Section 503, which gives some minimum criteria, such as a maximum length of 150 feet and a minimum width of 20 feet, but in many cases does not state specific criteria.

2.5. Appendix F Hazard Ranking.

2.5.1. SUMMARY- The information in this appendix is intended to be a companion to the specific requirements of Chapters 51 through 67, which regulate the storage, handling and use of all hazardous materials classified as either physical or health hazards. These materials pose diverse hazards, including instability, reactivity, and flammability, oxidizing potential or toxicity; therefore, identifying them by hazard ranking is essential.

2.6. Appendix I Fire Protection Systems—Noncompliant Conditions.

2.6.1. SUMMARY- The purpose of this appendix is to provide a list of conditions that are readily identifiable during the course of an inspection utilizing the International Fire Code. The specific conditions identified in this appendix are primarily derived from applicable NFPA standards and pose a hazard to the proper operation of the respective systems. While these do not represent all of the conditions that pose a hazard or otherwise may impair the proper operation of fire protection systems, their identification in this adoptable appendix will provide a more direct path for enforcement of this code.

3. ACCESS TO ALL BURNEY FIRE CODES AND LIFE SAFETY ORDINANCES:

3.1. Additional Ordinances addressing fire and life safety can be adopted by the Fire District's Board of Directors for fire and life safety matters not specifically addressed within the current version of this code.

3.1.1. All additions to fire and life safety codes ordained by the Fire District must augment this code, and may be more restrictive. However, valid additions cannot be more lenient, or in conflict with this code.

3.2. This code will be marked and designated as the "The 2016 Edition of The California Fire Code as adopted by Burney Fire Protection District".

3.3. Three (3) copies of all adopted fire and life safety ordinances including this code will be kept on file in the Administration Office of the Fire District, and an electronic version will be posted on the Fire District's website.

4. FEE SCHEDULE

4.1. Fees for plan review will be charged by an hourly rate of \$150.00. After the minimum time has been met, additional hours will be charged to the nearest half hour.

4.1.1. A two-hour minimum will be charged for each new construction plan review.

4.1.2. A one-hour minimum will be charged for each existing structure remodel plan review.

4.1.3. A one-hour minimum will be charged for each plan review of any new construction that is attached to an existing structure as long as the new construction area is no more than 50% square footage of the original structure.

4.2. From time to time, the Fire District will send plans away to an outside firm for review. This may be done due to the complexity of the plans, or workload of the staff.

4.2.1. The Fire District will have sole determination over whether plans are sent for outside review and which firm is used to review the plans.

4.2.2. In every case the outside review process will include a summary sent to the Fire District that must be understood and agree to by the Fire Chief prior to giving the plans final approval.

4.2.3. Any and all costs involved in the outside review will be directly passed on as a fee.

4.3. All fees set by this Ordinance are for each process; additional fees shall be required if there are additional processes requested or required. Fees are on a per-unit, or per hour basis. The fee is for each identified processed unit, or portion of an hour thereof within the indicated ranges.

4.4. Where additional fees need to be charged and collected by the Fire District for completed staff work additional fees may be applied under California Government Code Section 29373.1, 29375.1, and amendments thereto.

4.5. Fire District has reviewed the fees and charges in this Ordinance and has determined and set out the amount based on the actual use of personnel services, equipment costs and related expenses according to the annual 2018-2019 Fire District budget.

4.6. Fire Report Fee

4.6.1. A fee will not be charged for a single fire incident report issued to the owner (or agent) of the involved property.

4.6.2. A fee of \$10.00 per report will be charged to cover administrative time, records search time and copy fee for each subsequent report, or for reports issued to persons who are not the owner or their agent.

4.6.3. If the report requires extensive research, copying and other administrative costs actual costs will be made a part of the fee.

5. SEVERABILITY

5.1. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by decision of any court of competent jurisdiction or preempted by State Legislation, such decision or legislation shall not affect the validity of the remaining portion of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid, without regard to any such decision or pre-emptive legislation.

6. VALIDITY

6.1. The Board of Directors of the Burney Fire Protection District hereby declares that, in the event any part, section, paragraph, sentence, word or provision of this Ordinance or of the code is held to be illegal or void, or declared for any reason to be invalid, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal, and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions. It is the intent of the Board of Directors of the Burney Fire Protection District that it would have passed all other portions of this Ordinance independently of the elimination of any such portion as may be declared invalid.

7. REPEAL OF CONFLICTING ORDINANCE, RESOLUTIONS, OR MOTIONS.

7.1. All former Ordinances, including but not limited to Ordinances No. BFPD 2013-01, resolutions or motions, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance or of the Code or standards hereby adopted are hereby repealed.

8. EFFECTIVE DATE AND NOTIFICATION

8.1. This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from passage thereof, the Ordinance, or a summary of the Ordinance shall be published at least once in the local newspaper of general circulation within the service area of the district. Thereafter, this Ordinance shall be in force and effect.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BURNEY FIRE PROTECTION DISTRICT HEREBY ORDAINS ADOPTING THE 2016 EDITION OF THE CALIFORNIA FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS, OR EXPLOSIONS AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; REPEALING ORDINANCE NO. BFPD 2013-01 OF THE BURNEY FIRE PROTECTION DISTRICT.

PASSED, APPROVED, and ADOPTED this 20th day of August, 2019

Ayes: Valinoti, Sweet, Caldwell

Noes: none

Absent: moore

Abstain: none

8/20/19

Date



Roger Valinoti, Vice Chairman



Cindy Hall, District Secretary

STATE OF CALIFORNIA)
COUNTY OF SHASTA) ss
BURNEY FIRE PROTECTION DISTRICT)


I, Cindy Hall, Board Secretary of the Burney Fire Protection District, do hereby certify that the whole number of members of the Board of Directors of said District is 4: that the foregoing ordinance being Ordinance Number BFPD 2019-02 is full, true and correct original of Ordinance Number BFPD 2019-02 of the said Fire Protection District entitled:

AN ORDINANCE OF THE BURNEY FIRE PROTECTION DISTRICT ADOPTING THE 2016 EDITION OF THE CALIFORNIA FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS, OR EXPLOSIONS AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; REPEALING ORDINANCE NO. BFPD 2013-01 OF THE BURNEY FIRE PROTECTION DISTRICT.


Which was duly passed and adopted by the said Board of Directors, approved and signed by the Vice Chairman and said Board, and attested by the Board Secretary of the said Board, all at a regular meeting of the said Board held on the 20th of August 2019 and that the same was so passed and adopted by the following vote:

AYES: Valinoti, Sweet, Caldwell
NOES: none
ABSENT: Moore
ABSTAIN: none

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California that the foregoing Ordinance Number 2019-02 was duly and regularly published according to law and order of the Board of Directors and circulated within said Fire Protection District.



Cindy Hall, Board Secretary



Date

