

ORDINANCE NO. 2016-01

AN ORDINANCE AMENDING THE 2016 CALIFORNIA FIRE CODE AND THE 2015 INTERNATIONAL FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS, OR EXPLOSION; AND ESTABLISHING A DIVISION OF FIRE PREVENTION AND INVESTIGATION, PROVIDING OFFICERS THEREFORE, AND DEFINING THEIR POWERS AND DUTIES.

Be it ordained by the North Central Fire Protection District finds as follows:

AN ORDINANCE OF THE BOARD OF THE
NORTH CENTRAL FIRE PROTECTION DISTRICT PROPOSED AND INITIATED BY
Fire Chief Kerri L. Donis
MOVED BY Mr. Souza SECONDED BY Mrs. Belluomini

The 2016 California Fire Code and 2015 International Fire Code as amended by the North Central Fire Protection District are hereby adopted.

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ADMINISTRATION

SECTION 100. ADOPTION OF THE CALIFORNIA FIRE CODE.

Section 100 of the California Fire Code is added to read:

100. Adoption of the California Fire Code. The 2016 California Fire Code, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2015 edition of the International Fire Code as amended with necessary California amendments, and the 2015 International Fire Code, including Appendix Chapters E and F, and the 2015 International Performance Code for Buildings and Facilities Part I and Part III are hereby adopted and amended by the North Central Fire Protection District for the purpose of prescribing regulations governing conditions hazardous to life and property, protection from fire, hazardous materials, or explosions, except such portions as fully as if set out at length herein. The Board does hereby find it is reasonably necessary to make certain changes and modifications to the requirements contained in the rules and regulations adopted pursuant to Sections 17922 et seq. and 18935 et seq. of the California Health and Safety Code; such change or modifications are herein more particularly set forth.

SECTION 101.1. TITLE.

Section 101.1 of the California Fire Code is amended to read:

101.1. Title. This code shall be known as the North Central Fire Protection District Fire Code, may be cited as such, and shall be referred to herein as "this Code." When used here, "CFC" means the 2016 California Fire Code, with such amendments as adopted by the State of California and the 2015 International Fire Code, including appendix Chapters E and F, as adopted and amended in this article.

SECTION 101.1.2. LIMITS ESTABLISHED BY LAW.

101.1.2 of the California Fire Code is added to read:

101.1.2. Limits Established by Law. The limits referred to in Sections 5704.2, 6104.2 and Chapter 56 of the California Fire Code shall mean those locations noted by fire department policy.

SECTION 101.1.3. RESPONSIBILITY FOR ENFORCEMENT

101.1.3 of the California Fire Code is added to read:

101.1.3. Responsibility for enforcement. Enforcement of building standards and fire protection requirements adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety, and other regulations of the State Fire Marshal, shall be the responsibility of the fire code official. This shall include R-3 occupancies, including one and two family dwellings.

SECTION 102.3. CHANGE OF OCCUPANCY.

Section 102.3 of the California Fire Code is amended to read:

102.3. Change of Use or Occupancy. No change shall be made in the use or occupancy of any structure, which would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the California Building Code. Subject to the approval of the fire and building code officials, the use or occupancy of an existing structure shall be allowed to be changed, and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the California Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

SECTION 102.6. HISTORIC BUILDINGS.

Section 102.6 of the California Fire Code is amended to read:

102.6. Historic Buildings. The provisions of this Code relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or

structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with Part 8 of Title 24 of the 2016 California Historic Building Code, as amended.

SECTION 102.13. Application of Performance Code for Buildings and Facilities.

Section 102.13 of the California Fire Code is added to read:

102.13 Application of Performance Code for Buildings and Facilities. Where application is made to the fire code official for approval of alternative equivalent designs, performance-based designs or other designs under 104.9 of the North Central Fire Protection District Fire Code, in new or existing buildings, the 2015 edition of the International Code Council Performance Code for Buildings and Facilities is hereby adopted. This code shall regulate and govern the alternative equivalent design, performance-based design, other design where applicable, construction, alteration, modification, extension, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, improvement of, use or maintenance of, building and/or fire protection systems, components, equipment and materials.

SECTION 103.1. GENERAL.

Section 103.1 of the California Fire Code is amended to read:

103.1. General. The department of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code. Whenever the terms "department of fire prevention," "fire prevention bureau," "fire prevention division", or "community risk reduction unit" are used in this Code or the North Central Fire Protection District Code, the terms shall mean those personnel assigned to, and engaged in, the prevention or investigation of fire on behalf of the North Central Fire Protection District by the City of Fresno Fire Department.

SECTION 104.3.2. INSPECTION FREQUENCY.

Section 104.3.2 of the California Fire Code is added to read:

104.3.2. Inspection Frequency. The fire code official shall be authorized to establish a minimum inspection frequency for all occupancy groups where not already determined by the State of California Health and Safety Code.

SECTION 105.6. REQUIRED OPERATIONAL PERMITS.

Section 105.6 of the California Fire Code 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 Section 105.6.1 through Section 105.6.48. Required permits will be issued only for those operations where a permit fee has been established by Master Fee Schedule.

SECTION 105.6.14. EXHIBITS, TRADE SHOWS AND SPECIAL EVENTS.

Section 105.6.14 of the California Fire Code is amended to read:

105.6.14. Exhibits, Trade Shows, and Special Events. An operational permit is required to operate exhibits, trade shows, and special events.

SECTION 105.6.16. FIRE HYDRANTS.

Section 105.6.16 of the California Fire Code is amended to read:

105.6.16. Fire Hydrants. A permit is required to use fire hydrants intended for fire suppression purposes, which are installed on water systems and accessible to public roadways, alleys, or public utility easements on private property. Such permit shall be obtained from the City of Fresno Water Division, the City of Kerman Public Works, or persons responsible for providing water to such hydrants or water systems within a waterworks or community services district. Also see Sections 901.6 and 901.8.

Exception: A permit is not required for authorized employees of the water company, which supplies the system or the fire department to use or operate fire hydrants or valves.

SECTION 105.6.32. OPEN BURNING.

Section 105.6.32 of the California Fire Code is amended to read:

105.6.32. Open Burning. An operational permit is required for any open burning, including for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, including recreational fires. Instructions and stipulations of the permit shall be adhered to.

An operational permit may only be issued after a permit has been obtained from the San Joaquin Valley Air Pollution Control District.

SECTION 105.6.50. EXTERIOR STORAGE.

Section 105.6.50 of the California Fire code is added to read:

105.6.50. Exterior Storage. An operational permit is required for the exterior storage of more than 4,999 square feet of tires, pallets, bin boxes, wood or plastic products, other

combustible finished materials, wood chips, hogged material, fines, compost, recycled materials, industrial waste or similar products.

SECTION 105.7. REQUIRED CONSTRUCTION PERMITS.

Section 105.7 of the California Fire Code is amended to read:

105.7. Required Construction Permits. The fire code official is authorized to issue construction permits for work as set forth in Section 105.7.1 through Section 105.7.14. Required permits will be issued only for those operations where a permit fee has been established by Master Fee Schedule.

SECTION 105.7.1. AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

Section 105.7.1 of the California Fire Code is amended to read:

105.7.1. Automatic Fire Extinguishing Systems. A construction permit is required for installation of or modification to an automatic fire extinguishing system.

SECTION 105.7.11. LP-GAS.

Section 105.7.11 of the California Fire Code is amended to read:

105.7.11. LP-Gas. A construction permit is required for installation or modification of LP-Gas tanks with a capacity (single or aggregate) in excess of 125 gallons.

SECTION 108.2 LIMITATIONS ON AUTHORITY.

Section 108.2 of the California Fire Code is amended to read:

108.2 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority in waive requirements of this code. An economic condition shall not be considered as a basis for an appeal of the provisions of this Code.

SECTION 109.3.1. SERVICE.

Section 109.3.1 of the California Fire Code is amended to read:

109.3.1. Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition of violation either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned properties, a copy of such notice shall be sent by first class mail to the last known

address of the owner, occupant, or both. The fire code official is authorized to issue an administrative citation for abatement of violations of this code in accordance with fire department policy

SECTION 109.4. VIOLATION PENALTIES.

Section 109.4 of the California Fire Code is amended to read:

109.4 Violation Penalties. Persons who shall violate any provisions of said California Fire Code or these amendments, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Directors or by a court of competent jurisdiction within the time fixed therein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor. Upon failure to comply with a written notice of violation, the fire code official may request that the Fresno County District Attorney institute legal action. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined by the fire code official. For each day or portion of a day prohibited conditions are maintained shall constitute a separate offense. The application of the penalty set forth in this subsection of this section shall not be held to prevent the district from abating the conditions. The Fire Chief or designee is authorized to issue administrative citations in accordance with written procedures and Master Fee Schedule charges approved by the Board.

109.4.1. Abatement of Violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. Such action is subject to the cost recovery provisions of Section 109.5.

SECTION 109.5. COST RECOVERY.

Section 109.5 of the California Fire Code is added to read:

109.5. Cost Recovery. The fire code official or designee is authorized to recover any direct or indirect costs for fire prevention, fire suppression, hazardous material incident response, and protection of the public from fire and life safety hazards.

109.5.1 Fire prevention cost recovery. Any person or firm who fails to, or refuses to, correct, within the time allotted for correction, any fire hazard prohibited by code, regulation or law, for which a public agency has issued a notice of violation or correction

respecting the hazard, or failure to comply with a written notice of violation is liable for the fire prevention costs, and any other costs, incurred in furtherance of the abatement of the fire hazard, and those costs shall be a charge against that person.

109.5.2 Fire suppression cost recovery. Any person or firm who causes a fire, sets a fire, allows a fire to be set, or allows a fire kindled or attended by him or her to escape onto any public or private property, is liable for the fire suppression costs, rescue or emergency medical services costs, and any other costs incurred as a result of fighting the fire.

109.5.3 Hazardous materials release cost recovery. Any person or firm who releases a hazardous material, allows a hazardous material to be released, causes, or allows a hazardous material attended by him or her to escape onto any public or private property, is liable for the hazardous material incident response, rescue or emergency medical services costs, and any other costs incurred as a result of responding to the hazardous material release.

109.5.4 Protection of the public cost recovery. Any person or firm who creates a fire or life safety hazard to the public, allows a fire or life safety hazard to the public, causes, or allows a fire or life safety hazard to the public to escape onto any public or private property, is liable for the fire or life safety hazard incident response, rescue or emergency medical services costs, and any other costs incurred as a result of responding to the fire or life safety hazard to the public.

109.5.5 Action and administration. Cost recovery actions and administration pursuant to this section shall be as set forth in the Master Fee Schedule and fire department policy, and shall constitute a debt of such person, and is collectable by the North Central Fire Protection District in the same manner as in the case of an obligation under a contract, express or implied.

109.5.6 Other laws. The provisions of this section shall not be deemed to nullify or prevent the application, either cumulatively, concurrently, or separately, of the provisions of the California Health and Safety Code or any other law related to liability.

SECTION 111.4. FAILURE TO COMPLY.

Section 111.4 of the California Fire Code is amended to read:

111.4. Failure to Comply. Any persons 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 subject to an administrative citation or other judicial or administrative action in accordance with Section 109.4.

SECTION 112.2 SERVICE UTILITIES.

Section 112.2 of the California Fire Code is added to read:

112.2 Authority to require connection to service utilities. The fire code official shall have the authority to require connection of utility services to the building, structure or system to a recognized service utility provider in order to ensure the safety of occupants and the preservation of the structure. Utility services may include, but are not limited to, water service, electrical service, gas service, or any other utility service. The fire code official may refuse to issue any permits until the owner of the building, structure or system provides proof of connection to the utility service.

SECTION 113.6. FEES FOR FIRE INSPECTIONS.

Section 113.6 of the California Fire Code is added to read:

113.6. Fees for Fire Inspections. The fire code official shall be authorized to charge a fee for fire inspections of existing buildings and properties within the North Central Fire Protection District. Fees for such services shall be in accordance with fire department policy.

DEFINITIONS

SECTION 202. GENERAL DEFINITIONS.

The following definition in Section 202 of the California Fire Code is amended to read:

FIRE CODE OFFICIAL. The fire chief charged with the administration and enforcement of the code, or a duly authorized representative.

The following definitions are added to Section 202 of the California Fire Code to read:

FIRE DEPARTMENT BYPASS KEY. An approved key used by authorized emergency services personnel to bypass secured access locations.

FIRE MARSHAL. A chief fire officer of the fire department or a duly authorized representative, who is charged with either the prevention or investigation of fires.

RECYCLING AND INDUSTRIAL WASTE. Any material which has been recycled, including post-consumer or industrial waste, wood by-products or other similar products.

RECYCLING AND INDUSTRIAL WASTE HANDLING FACILITY. Any site that stores, manufactures, processes or handles wood by-products, recycled materials, including post-consumer waste, industrial waste, or other similar materials.

GENERAL PRECAUTIONS AGAINST FIRE

SECTION 304.4. RECYCLING AND INDUSTRIAL WASTE HANDLING FACILITIES.

Section 304.4 of the California Fire Code is added to read:

304.4. Recycling and Industrial Waste Handling Facilities. See Chapter 28 of the CFC and this ordinance for specific requirements related to recycling and industrial waste handling facilities. Recycling and industrial waste handling facilities shall also be in accordance with applicable fire department policies.

SECTION 304.5. DUMPING OF COMBUSTIBLE WASTE MATERIAL.

Section 304.5 of the California Fire Code is added to read:

304.5. Dumping of Combustible Waste Material. No owner or occupant of any lot, site or premises shall maintain thereon any rubbish or waste material likely to become easily ignited, and, provided further, no person shall place, deposit, or leave any piles of dirt, metallic cans, combustible waste, or rubbish on any property not owned or controlled by such person or persons.

SECTION 304.6. REMOVAL OF DEBRIS.

Section 304.6 of the California Fire Code is added to read:

304.6. Removal of Debris. Any person having in their possession or under their control, upon any premises, any kind of materials, which have been rendered useless or un-merchandiseable by reasons of any fire on the premises, or any other debris resulting from such fire, must commence to remove the same from the premises within twenty-four (24) hours after notice to do so from the fire department, and must thereupon proceed with and diligently carry on the work of such removal until the same has been completed.

SECTION 307.1.1. PROHIBITED OPEN BURNING.

Section 307.1.1 of the California Fire Code is amended to read:

307.1.1. Prohibited Open Burning. Notwithstanding other provision in Section 307, open burning is prohibited as follows:

1. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.
2. Open burning in violation of the rules or regulations promulgated by the San Joaquin Valley Air Pollution Control District.

3. The fire code official is authorized to order, or effect the immediate extinguishment, of any open burning when in the opinion of the fire code official is reasonably necessary for safety and protection of life and health, and may issue administrative citations and seek to recover costs in accordance with Sections 109.4 and 109.5 of this Code.

SECTION 312.1. GENERAL.

Section 312.1 of the California Fire Code is amended to read:

312.1. General. Vehicle impact protection required by this Code shall be provided by posts that comply with Section 312.2 of the CFC or by other approved physical barriers that comply with 312.3 of the CFC

Exception: Fire hydrants and fire sprinkler risers may be protected in accordance with City of Fresno Public Works Standard W-23 (Fire hydrant installation with protector posts) as incorporated here by reference.

SECTION 315.4.3. ADDITIONAL REQUIREMENTS FOR OUTSIDE STORAGE.

Section 315.4.3 of the California Fire Code is added to read:

315.4.3. Additional Requirements for Outside Storage. Outside storage of tires shall be in accordance with Chapter 34 of the CFC. Outside storage of recycled materials, industrial waste, idle pallets, plastic or wooden finished products, baled material, or other similar products shall be in accordance with Chapter 28 of the CFC and fire department policy. Outdoor storage at sites that store, manufacture, process or handle wood by-products, recycled materials, industrial waste, and other similar materials shall be in accordance with Chapter 28 of the CFC. An approved water supply, including on site storage, for firefighting purposes shall be provided in accordance with Section 507 of the CFC.

FIRE APPARATUS ACCESS ROADS

SECTION 503.5. REQUIRED GATES OR BARRICADES.

Section 503.5 of the California Fire Code amended to read:

503.5. Required Gates or Barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. Entrances to roads, trails or other access ways which have been closed with gates and barriers shall not be

obstructed by parked vehicles. Any vehicle parking in violation of this section shall be subject to being towed away and stored. The registered owner of any vehicle parked in violation of this section shall be responsible for all expenses incurred in connection with the towing and storage of such vehicle.

FIRE SERVICE FEATURES

SECTION 506. LOCKED PREMISES ACCESS.

Section 506 of the California Fire Code is renamed and amended to read:

506.1. Where Required. Where access to, or within a structure or an area is restricted because of secured openings, the fire code official is authorized to require key boxes to be installed in approved locations. Installation requirements and key box contents shall be in accordance with fire department policy.

506.1.1 Locks. An approved lock or remote opening device shall be installed on gates or similar barriers when required by the fire code official in accordance with fire department policy.

506.1.1.1 Unauthorized Possession of Fire Department Bypass Key. It shall be unlawful for any person other than those authorized by the fire code official to possess a fire department bypass key.

506.1.1.2 Unauthorized Duplication of Fire Department Bypass Key. No person shall duplicate a fire department bypass key unless approved by the fire code official.

506.1.1.3 Penalties. Any person who shall violate either section 506.1.1.1 or 506.1.1.2 shall be guilty of a misdemeanor. Prosecution of such violations shall be in accordance with the California Penal Code.

506.2. Key Box Maintenance. The operator of the building or premises shall immediately notify the fire code official and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box.

FIRE PROTECTION WATER SUPPLIES

SECTION 507.3. FIRE FLOW.

Section 507.3 of the California Fire Code is amended to read:

507.3. Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method or Appendix B. Fire flow requirements for buildings or portions of buildings and facilities shall be in accordance

with fire department policy, approved by the North Central Fire Protection District Board of Directors.

BUILDING SERVICES AND FEATURES

SECTION 605.11.. SOLAR PHOTOVOLTAIC POWER SYSTEMS.

Section 605.11.. of the California Fire Code is added to read:

605.11. Solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.2, the California Building Code or California Residential Code, California Electrical Code and this ordinance, including for one and two family dwellings.

Section 605.11.3. of the California Fire Code is added to read:

605.11.3. DC Roof Top Disconnects. When DC conductors are installed for solar photovoltaic power systems, and rapid shutdown in accordance with the California Electrical Code or NFPA 70 is not provided, there shall be a separate emergency DC disconnect on the roof, or other approved location, to disconnect systems from DC wiring running through, and on, the building. All DC disconnects must be permanently labeled in accordance with NFPA 70.

Section 605.11.4. of the California Fire Code is added to read:

605.11.4. Disconnect Locations. All photovoltaic solar power system disconnecting means shall be enclosed in a minimum NEMA 3R box, and shall be installed on the building's exterior in a readily accessible and approved location, regardless of the actual number of disconnects required. Disconnects shall be located as close to the power system as possible to reduce the length of energized wiring.

605.11.5 Disconnecting Equipment. All photovoltaic solar power system disconnecting means, including rapid shutdown equipment, shall be indicating, of an approved size and type, and shall be placed in an approved position that is plainly visible to approaching fire department personnel.

DECORATIVE MATERIALS OTHER THAN DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS

SECTION 807.4.2.3. WOOD USE IN GROUP A-3 PLACES OF RELIGIOUS WORSHIP.

Section 807.4.2.3 of the California Fire Code is amended to read:

807.4.2.3 Wood use in Group A-3 places of religious worship. In new and existing places of religious worship, wood used for ornamental purposes, trusses, paneling or chancel furnishing shall be allowed where such material meets the flame spread requirements found in Table 803.3.

FIRE PROTECTION SYSTEMS

SECTION 901.6.2.2 PROBLEMATIC SYSTEMS.

Section 901.6.2.2 of the California Fire Code is added to read:

901.6.2.2 Problematic Systems. In the event of multiple fire alarm, fire detection, or fire sprinkler monitoring system activations, the fire code official is authorized to charge the property owner for the direct and indirect costs of each emergency response. After responding to one (1) false alarm at the same facility in any calendar year from July 1 through June 30th, the cost of each response will be billed at the base rate established in the Master Fee Schedule or actual time spent on the response, whichever is greater. Action and administration to recover these costs shall be in accordance with section 109.5.5.

SECTION 901.4.4. ADDITIONAL FIRE PROTECTION SYSTEMS.

Section 901.4.4 of the California Fire Code is amended to read:

901.4.4. Additional fire protection systems. In any occupancies of a hazardous nature, where special hazards exist in addition to the normal hazards of the occupancy, or where the fire code official determines that access for fire apparatus is unduly difficult, the fire code official shall have the authority to require additional fire protection systems, equipment or a combination thereof. Such systems include, but shall not be limited to, the following: automatic fire detection systems, fire alarm systems, automatic fire-extinguishing systems, standpipe systems, or portable or fixed extinguishers. Any additional fire protection systems or equipment required under this section shall be installed in accordance with this Code, the applicable referenced standards, fire department policy and be considered a required system in accordance with section 901.4.1.

901.4.5.1 Removal of prohibited equipment. Any device that is prohibited by section 901.4.5 shall be immediately removed upon written order of the fire code official.

SECTION 903.1. GENERAL.

Section 903.1 of the California Fire Code is amended to add the following sub-sections:

903.1.2. Determination of Building Area. For purposes of determining building area for automatic fire sprinkler system requirements, the following criteria shall be used:

1. Fire walls, fire barriers, fire partitions, or horizontal fire assemblies as defined in this Code shall not be considered to create separate buildings or fire areas for determining automatic fire sprinkler requirements.

Exceptions:

(a) Party walls located on a lot line between two buildings in accordance with California Building Code, Section 706.

(b) Fire walls without openings installed in accordance with California Building Code, Section 706 and with specific fire wall requirements in Section 903.2 of this Code based on occupancy.

2. Determination of building area for combustible construction shall be measured to the building perimeter roof drip line, including any architectural features, such as, but not limited to, mansards, towers, porte cocheres, etc., with the exception of 44" maximum depth roof eaves. For non-combustible construction, building area shall include all perimeter roof areas exceeding 44" that are required by the currently adopted edition of NFPA 13 to have fire sprinkler protection under the projection. The area of open shafts or courts need not be included in calculating floor area. When multiple buildings are considered as one building per California Building Code Section 705.3, the combined floor areas shall be used to determine the automatic fire sprinkler requirements.

SECTION 903.2. WHERE REQUIRED.

Section 903.2 of the California Fire Code is amended to read:

903.2. Approved automatic fire sprinkler systems In new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Additionally, an approved automatic fire sprinkler system shall be installed when the fire area is 5,000 square feet or larger in any Group A, B, E, F, M and S occupancy groups.

Exceptions:

1. All occupancies less than 7,500 square feet, located in an area outside of the LAFCO sphere of influence urban growth boundary area for the cities of Fresno and Kerman or the community of Biola, which are not ambulatory health care facilities, or where the area for the storage of tires exceeds 20,000 cubic feet, or S-2 occupancies that do not meet Exception 3 below.

2. F-2 and S-2 occupancies of non-combustible construction and with contents stored, used or manufactured that are classified as non-combustible. Accessory uses such as administrative offices and break rooms that, in total, do not exceed 10% of the building area and any single accessory use area does not exceed 5,000 square feet does not require fire sprinklers. An operational statement shall be submitted to the building official of the County of Fresno or the City of Kerman, as applicable, with building plan submission and the owner shall execute a covenant running with the land agreeing to the installation of the required automatic extinguishing system if the use should change from the approved non-combustible limitations.

3. Detached S-2 occupancy carports of non-combustible construction, without exterior walls, used exclusively for the parking of motor vehicles that meet the setback requirements to real and assumed property lines per Table 602 of the California Building Code. Installation of solar panels on the roof of such carports is permissible when using this exception.

SECTION 903.3.1. INSTALLATION REQUIREMENTS.

Section 903.3.1 of the California Fire Code is amended to read:

903.3.1. Standards. Sprinkler systems shall be designed in accordance with Sections 903.3.1.1, 903.3.1.2, and 903.3.1.3. Automatic fire sprinklers or fire sprinkler systems not required by the California Fire or Building Codes may be of any type approved by the fire code official.

903.3.1.1. NFPA 13 Sprinkler Systems. Where the provisions of this Code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this Section, sprinklers shall be installed throughout in accordance with NFPA 13 as amended in Chapter 80 except as provided for in Sub-Sections 903.3.1.1.1 through 903.3.1.1.4.

903.3.1.1.2 Bathrooms. In Group R occupancies, other than Group R-4 occupancies, sprinklers shall not be required in bathrooms that do not exceed 55 square feet (5 m²) in area and are located within individual dwelling units or sleeping units, provided that walls and ceilings, including the walls and ceilings behind shower enclosure or tub, are of noncombustible or limited-combustible materials with a 15-minute thermal barrier rating.

Exception:

1. Group R occupancies where fire sprinklers are used as a substitution for other California Building Code requirements.

903.3.1.1.3. Group R Mixed Occupancy Buildings. Mixed occupancy buildings containing Group R occupancies shall be provided with automatic sprinkler systems in accordance with Section 903.3.1.1 (NFPA 13). The R-2 or R-3 residential portion of a mixed occupancy building shall be provided with fire sprinkler piping and control valves arranged so that the automatic sprinkler system can remain in service independent of non-residential occupancies.

Exceptions:

1. Mixed occupancy buildings where a vertical fire barrier with no openings is provided in accordance with California Building Code, Section 707 separating the R occupancy from other uses may have automatic fire sprinkler systems installed in the residential portion in accordance with Sections 903.3.1.2 (NFPA 13R) or 903.3.1.3 (NFPA 13D) as applicable. Separate control valves shall be installed as indicated above unless otherwise approved by the fire code official.

2. Group R-1 or R-2 occupancies with accessory occupancy groups that do not require installation of fire sprinklers by Section 903.2.

903.3.1.1.3. Joint Live Work Units Quarters. Where joint live/work residential dwelling units are constructed in accordance with California Fire Code, Chapter 11, Article 7, automatic sprinkler systems shall be designed in accordance with Section 903.3.1.1 (NFPA 13).

903.3.1.2. NFPA 13R Sprinkler Systems. Automatic sprinkler systems in Group R occupancies up to and including three stories in height shall be permitted to be installed throughout in accordance with NFPA 13R as amended in Chapter 80 except where prohibited in Sections 903.3.1.1.3 and 903.3.1.1.4

903.3.1.2.1. Balconies and Decks. Sprinkler protection shall be provided for exterior balconies, decks, ground floor patios, and entryways (enclosed on two or more sides) of dwellings, dwelling units, and sleeping units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies, decks, and entryways that are constructed of open wood joist construction.

SECTION 903.3.5.1.2. RESIDENTIAL COMBINATION SERVICES.

Section 903.3.5.1.2 of the California Fire Code is amended to read:

903.3.5.1.2. Residential Combination Services. A single combination water supply shall be allowed only when approved by the fire code official.

SECTION 903.3.8. FLOOR CONTROL VALVES.

Section 903.3.8 of the California Fire Code is amended to read:

903.3.8. Floor Control Valves. Floor control valves and water flow detection shall be provided in accordance with Section 903.4.3.

SECTION 903.4.3. FLOOR CONTROL VALVES.

Section 903.4.3 of the California Fire Code is amended to read:

903.4.3. Floor Control Valves. Approved supervised indicating control valves and water flow switches shall be provided at the point of connection to the riser on each floor in buildings with three or more levels or where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access. The building fire alarm, dedicated function fire alarm system or remote annunciator panel shall be provided at an approved location, readily accessible to the fire department and shall indicate the floor of activation of these devices.

Exception: NFPA 13R and 13D systems.

SECTION 903.6. WHERE REQUIRED IN EXISTING BUILDINGS AND STRUCTURES.

Section 903.6 of the California Fire Code is amended to read:

903.6 Where required in existing buildings and structures. An approved automatic fire extinguishing system shall be provided in existing buildings and structures, including R-3 occupancies, in those circumstances described in this Section and where required in Chapter 11. Installation requirements shall be as set forth for new buildings by Sections 903.2 through 903.2.10 and, where applicable, the California Residential Code.

1. Building Additions. When additions exceed 25% of the existing building square footage and the total proposed building area is 7,500 square feet or larger, an approved automatic fire extinguishing system shall be installed throughout the building. The 25% threshold shall be cumulative over the life of the building.

Exception: Building additions of entirely non-combustible construction and non-combustible uses such as covered pedestrian walkways.

2. Change of Occupancy. In existing buildings 7,500 square feet or larger, when a Change of Occupancy, in accordance with the California Building Code, is made and the proposed new occupancy is more hazardous to life and safety than the existing occupancy, an approved automatic fire extinguishing system shall be installed throughout the building. The determination of a more hazardous use or occupancy shall be made in accordance with fire department policy. See policy 402.005.

Exceptions:

(a) If the area in which the Change of Occupancy occurs is less than 25 percent of the actual floor area of the existing building and the area of the new occupancy is 7,499 square feet or less and an automatic fire extinguishing system is not required based on occupancy by Section 903, an automatic fire sprinkler or extinguishing system is not required for any portion of the building. The 25% limit is cumulative over the life of the building.

(b) If the area in which the Change of Occupancy occurs exceeds 25% but is less than 50% of the actual floor area of the existing building, only that portion of the building changing occupancy is required to have an approved automatic fire extinguishing system installed. An approved fire separation shall be required between portions of the building with an automatic fire extinguishing system and those portions without.

(c) If individual or cumulative Changes of Occupancy exceed 50% of the overall floor area of the existing building, then the entire building shall have an approved automatic fire extinguishing system installed throughout.

3. Fire Damage Repairs. An approved automatic fire sprinkler system shall be installed as a condition of a fire damage repair building permit as follows:

(a) When a fire occurs in any existing occupancy, including R-3 occupancies, and the building permit repair costs exceed 50% of the current building valuation, an automatic fire extinguishing system shall be installed throughout the building as required for a new building in Section 903 or R313.

(b) When a fire occurs in an R occupancy and building permit fire repair costs in the kitchen area of the dwelling unit(s) exceeds \$1,000, a single fire sprinkler head or other approved automatic extinguishing system shall be installed in the kitchen per fire department policy.

(c) Fire damage repair costs and building valuation shall be determined by the Building Official of Fresno County or City of Kerman based on the current ICC Building Valuation Tables in use by the respective department at the time of the issuance of the fire damage repair permit.

4. R-2 Condominium Conversions. Existing R-1 or R-2 buildings proposed for conversion to condominiums shall have an approved automatic fire extinguishing system installed throughout as a condition of approval.

5. A-1 and A-2 Occupancies. In existing A-1 and A-2 occupancies an approved automatic fire extinguishing system shall be installed throughout the entire building as a condition of any building permit where the permit cost is one-thousand (\$1,000) or more.

Exception: Building permits issued exclusively for mechanical systems, plumbing systems, electrical systems and re-roofing only.

SECTION 912.2.3. ADDRESS IDENTIFICATION.

Section 912.2.3 of the California Fire Code is added to read:

912.2.3. Address Identification. For new and existing buildings, the fire code official is authorized to require approved address or building area identification signage as needed to readily determine the building or area of a building protected by fire department connections.

MEANS OF EGRESS (Luminous Egress Path Markings)

SECTION 1025.1. GENERAL.

Section 1025.1 of the California Fire Code is amended to read:

1025.1. General. Approved luminous egress path markings delineating the exit path shall be provided in all new buildings three or more stories above grade or below grade in accordance with Sections 1025.1 through 1025.5.

Exceptions:

1. Luminous egress path markings shall not be required on the level of exit discharge in lobbies that serve as part of the exit path in accordance with Section 1028.1, Exception 1.
2. Luminous egress path markings shall not be required in open parking garages that serve as part of the exit path in accordance with Section 1028.1, Exception 3.
3. R-3 occupancies.

1025.1.1. Existing Buildings. Existing Group R-1, R-2, I, and E buildings with 3 or more stories above or below grade and all buildings over three stories above grade or three or more stories below grade shall be retrofitted with luminous exit path markings in the enclosed stairways and associated exit pathways to the exterior no later than January 1, 2012. Exceptions 1, 2, and 3 above are applicable to retrofit requirements. Buildings subject to these retrofit provisions may use the City of Fresno Fire Department "Uniform Standard for Photoluminescent Exit Path Markings" as adopted by reference here, or California Fire Code, Sections 1025.2 through 1025.5 as an installation standard. Stairway exit path markings in existence at the time of the initial effective date of March

20, 2007, may continue to exist as installed subject to the approval of the fire code official.

1025.1.2. Maintenance. Luminous egress path markings required in this section shall be maintained in accordance with Sections 1025.1 through 1025.5 and fire department policy as applicable.

CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

SECTION 1104.7.1. DOOR SWING.

Section 1104.7.1 of the California Fire Code is added to read:

1104.7.1. Door Swing. When, in the opinion of the fire code official, it is essential for public safety in any existing building or occupancy, because of the number of persons served, or the nature of the operation, an owner, agent or lessee shall install doors that swing in the direction of egress travel, as required and approved when such places are open to the public, or when such operation is being conducted.

SECTION 1104.7.2. DOOR HARDWARE.

Section 1104.7.2 of the California Fire Code is added to read:

1104.7.2. Door Hardware. When, in the opinion of the fire code official, it is essential for public safety in any existing building or occupancy, because of the number of persons served, or the nature of the operation, an owner, agent or lessee shall provide and maintain panic or fire exit hardware, as required and approved when such places are open to the public, or when such operation is being conducted.

MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES

SECTION 2306.2.3. ABOVE-GROUND TANKS LOCATED OUTSIDE OF BUILDINGS, ABOVE GRADE.

Section 2306.2.3 of the California Fire Code is amended to read:

1. Above-ground tanks used for outside above grade storage of Class I and II liquids shall be listed and labeled as protected above-ground tanks in accordance with Chapter 57. Such tanks shall be located in accordance with Table 2306.2.3.
2. Above-ground tanks used for above grade storage of Class III-A liquids are allowed to be protected above-ground tanks, or when approved by the fire code official,

other above-ground tanks that comply with Chapter 57. Tank locations shall be in accordance with Table 2306.2.3.

3. Tanks containing fuels shall not exceed 12,000 gallons (45 420 L) in individual capacity or 48,000 gallons (181 680 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).

4. Tanks located at tank farms, construction projects, or rural areas shall comply with Section 5706.2 (et. al.).

FLAMMABLE FINISHES

SECTION 2401.1.2. LOCATION.

Section 2401.1.2 of the California Fire Code is amended to read:

2401.1.2. Location. Locations or areas used for any of the operations noted in 2401.1 shall be located in accordance with the respective regulating agencies or departments and fire department policy.

RECYCLING AND WASTE HANDLING FACILITIES

SECTION 2810.1. SCOPE.

Section 2810.1 of the California Fire Code is added to read:

2810.1. Scope. The storage, manufacturing, processing or handling of wood by-products, recycled materials, industrial waste, and other similar materials not otherwise regulated by this code shall be in accordance with this section and fire department policy. The title of this Section shall be "RECYCLING AND WASTE HANDLING FACILITIES."

SECTION 2810.2. STORAGE SITE

Section 2810.1 of the California Fire Code is added to read:

2810.2 Storage site. Storage, manufacturing, processing or handling sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned before transferring regulated products to the site.

SECTION 2810.3. SIZE OF PILES.

Section 2810.3 of the California Fire Code is added to read:

2810.3. Size of Piles. Piles shall not exceed 20 feet (6.1 m) in height, 50 feet (15.2 m) in width and 250 feet (76.2 m) in length. Piles shall be separated from adjacent piles or other exposures (including, but not limited to, property lines, other storage, and buildings) by means of fire department access roadways. A 120 foot (36.6 m) by 90 foot (27.5 m) area shall be maintained available for use by the fire department for interim storage of pile breakdown material during fire suppression activities.

Exception: The fire code official is authorized to allow the pile size to be increased where a fire protection plan has been approved and additional fire protection is provided in accordance with Chapter 9. The increase shall be based on the capabilities of the system installed and the features of the system.

The fire protection plan shall include, but is not limited to, the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be based upon sound fire prevention and protection principles.
2. Factors that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including provisions for monitoring the internal condition of the pile.
3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply, on site water storage and fire hydrants.
4. Fire apparatus access roads around the piles and access roads to the top of the piles shall be established, identified and maintained.
5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Additional fire protection called for in the plan shall be provided and shall be installed in accordance with this code.

SECTION 2810.4 PILE FIRE PROTECTION WATER SUPPLY.

Section 2810.4 of the California Fire Code is added to read:

2810.4 Pile Fire Protection Water Supply. An approved water supply, including on site storage, for firefighting purposes shall be provided in accordance with Section 507.

SECTION 2810.5 SECURITY.

Section 2810.5 of the California Fire Code is added to read:

2810.5 Security. Site pile areas shall be surrounded with an approved fence. Fences shall be not less than 6 feet (1829 mm) in height.

SECTION 2810.6. PILE SEPARATION.

Section 2810.6 of the California Fire Code is added to read:

2810.6. Pile Separation. Piles shall be separated from adjacent piles or other exposures (including but not limited to, property lines, other storage, and buildings) by means of fire department access roads.

SECTION 2810.7. PILE FIRE PROTECTION.

Section 2810.7 of the California Fire Code is amended to read:

2810.7. Conveyor Tunnels and Enclosures. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible or enclosed conveyor systems shall be protected by automatic sprinkler protection.

SECTION 2810.8. FIRE EXTINGUISHERS.

Section 2810.8 of the California Fire Code is added to read:

2810.8 Fire extinguishers. Portable fire extinguishers complying with Section 906 and with a minimum rating of 4-A60-B:C shall be provided on all vehicles and equipment operating on piles and at all processing equipment.

SECTION 2810.9. EXTERIOR STORAGE OF RECYCLED MATERIALS, INDUSTRIAL WASTE, AND IDLE PALLETS.

2810.9. Exterior Storage of Recycled Materials, Industrial Waste, and Idle Pallets. For exterior storage of recycled material, industrial waste and idle pallets, see Section 315.4.3 and fire department policy.

FIREWORKS AND EXPLOSIVES

SECTION 5602. FIREWORKS ORDINANCE.

Section 5602 of the California Fire Code is amended to read:

5602.1. Short Title.

This Section shall be known and cited as the "Fireworks Ordinance." When used, "this Section" means the Fireworks Ordinance.

5602.2. Findings and Intent.

(a) This Section governs the imposition, enforcement, collection and administrative review of all administrative fines related to: the possession, use, storage, sale and/or display of those fireworks classified as dangerous fireworks in California Health and Safety Code, Section 12505 et seq. or the possession, use, storage, sale and/or display of Safe and Sane fireworks on or at dates, times, and/or locations other than those permitted by this Section. The administrative fines are imposed under authority of Government Code, Section 53069.4; Health and Safety Code, Section 12557; and, the police power of the North Central Fire Protection District.

(b) The issuance of an administrative citation to any person constitutes but one remedy of the District to redress violations of this Section. By adopting this Section, the District does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this Section which the District may otherwise pursue.

(c) The imposition of administrative fines under this Section shall be limited to persons who possess, use, sell and/or display, or the seizure of 25 pounds or less of dangerous fireworks or persons who possess, use, sell and/or display Safe and Sane fireworks on or at the dates, times, and/ or locations other than those permitted by this Section.

(d) Administrative fines collected pursuant to this Section shall not be subject to Health and Safety Code, Section 12706. The administrative fines collected shall be allocated in compliance with Health and Safety Code, Section 12557, which requires the District to provide cost reimbursement to the California State Fire Marshal for reimbursement of costs, including, but not limited to transportation, and disposal. Regulations are to be adopted by the California State Fire Marshal setting forth this allocation. Unless and until such regulations have been adopted by the State of California, the District shall hold in trust a \$250.00 fee in addition to any fine collected to cover the reimbursement to the California State Fire Marshal for the cost of transportation and disposal of the dangerous fireworks. This fee is non-refundable.

(e) Due to the serious threat of fire or injury posed by the use of dangerous fireworks or Safe and Sane fireworks on or at dates, times, and/or locations other than those permitted by this Section, this Section imposes strict civil liability upon the owners of residential real property for all violations of this Section existing on that property. Each

contiguous use, display, and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.

(f) The fire code official or designee may seek cost recovery for any costs imposed on the District or Fire Department due to negligence, an intentional wrongful act, an intentional wrongful act, carelessness, or malice as set forth in Section 109.5 of this Code, and the Master Fee Schedule.

(g) This section shall not apply to the public display of fireworks in accordance with Section 5608.

(h) This section shall not apply to the storage and handling of Safe and Sane fireworks in accordance with the California Building Code for Class 1.4G fireworks.

5602.3. Definitions.

(a) "Dangerous fireworks" shall include any items or materials listed as such in California Health and Safety Code, Section 12505.

(b) "Eligible organizations" means an organization or corporation, which has met all of the following criteria continuously for a minimum of one year preceding the filing of the application for a permit to display for sale or sell Safe and Sane fireworks.

(i) The organization and/or corporation must be a duly organized non-profit and tax-exempt charitable, religious, civic, patriotic, or community service organization or corporation with a current and valid 26 U.S.C Section 501(c)(3)(19) tax exemption from the Internal Revenue Service.

(ii) The organization must be headquartered within and clearly affiliated or identified with the North Central Fire Protection District.

(iii) The organization must be one which provides direct and regular community services and benefits to the citizens of the North Central Fire Protection District.

(iv) The organization must hold its regularly scheduled meetings within the North Central Fire Protection District.

(c) "Exempt fireworks" means any special item containing pyrotechnic compositions which the California State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, and agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

(d) "Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and

producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. These items include, but are not limited to:

- (i) Devices designated by the manufacturer as fireworks.
- (ii) Torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.
- (e) "Safe and Sane fireworks" means any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks." All Safe and Sane fireworks shall be labeled with the Safe and Sane fireworks seal as authorized by the California State Fire Marshal.

5602.4. General Prohibition Against Possession, Sale, Use and/or Display of Fireworks.

Except as otherwise provided in this Section, no person shall possess, sell, use, display, explode or discharge any fireworks within the North Central Fire Protection District.

5602.5. Safe and Sane Fireworks: Exceptions.

- (a) The sale and/or display of Safe and Sane Fireworks shall be permitted only during that period beginning at noon on June 28 and ending at noon on July 6 of the same year.
- (b) Safe and Sane fireworks shall not be sold to any person under the age of sixteen (16).
- (c) The use and discharge of Safe and Sane fireworks within the North Central Fire Protection District is permitted 365 days a year, between the hours of 7:00 a.m. and 10:00 p.m., except for the period of June 28 to July 6 when use and discharge will be allowed between the hours of 7:00 a.m. and 12:00 a.m.

5602.6. Safe and Sane Fireworks Permits: Permits Required.

- (a) It is unlawful for any person to sell Safe and Sane fireworks within the North Central Fire Protection District without a permit issued by the fire code official or designee.
- (b) The fire code official is authorized to promulgate administrative rules and procedures necessary for the successful and effective implementation of this Section including rules and procedures governing the submission of applications for permits to sell Safe and Sane fireworks, inspections of fireworks stands, operation of fireworks

stands, and such regulations relating to the sale of Safe and Sane fireworks as may be necessary for the protection of life and property.

(b) The fire code official or designee shall be responsible for reviewing applications for permits to sell Safe and Sane fireworks.

5602.7. Safe and Sane Fireworks: Applications.

(a) All organizations or corporations interested in obtaining a permit to sell Safe and Sane fireworks shall submit an application to the fire department on forms provided by the fire department. There is a non-refundable application fee established by resolution of the Board of Directors and set forth in the Master Fee Schedule. This application fee shall be in addition to any fee or tax imposed by any other chapter or article of the North Central Fire Protection District Fire Code.

(b) The fire code official or designee shall designate the time period when applications will be accepted.

(c) No organization shall submit more than one application. Submittal of more than one application shall be grounds for denial of all applications submitted by that organization.

(d) There shall be allowed a maximum of thirty one (31) fireworks stands in the North Central Fire Protection District. Stands which meet the requirement of this code will be allowed to remain until they relinquish their position. Any of the organizations which operated in accordance with previous District policy as of December 31, 2007, will retain their position until they relinquish it.

(e) If there are less than thirty one (31) eligible stands, then a lottery shall take place at a time and location determined by the fire code official or designee, with all eligible organizations on the waiting list to fill empty positions.

(f) Each new participant, as well as the previously permitted participants, shall submit additional information as required by the fire department which shall be reviewed prior to issuance of any permits to sell Safe and Sane fireworks for the upcoming fireworks season.

5602.8. Safe and Sane Fireworks: Issuance of Permits.

(a) No permit to sell Safe and Sane fireworks shall be issued to any organization except non-profit and tax-exempt organizations or corporations organized primarily for charitable, religious, civic, patriotic, or community service as defined in Section 5602.3(b) except for the previously permitted for profit organizations operating a fireworks stand from 2007-2011.

(b) Upon notification that the organization has been selected by lottery to participate in the upcoming fireworks season, each organization shall provide additional information as required by the fire department including, but not limited to:

(i) A non-refundable fee established by resolution of the North Central Fire Protection District and set forth in the Master Fee Schedule. This fee shall be in addition to any fee or tax imposed by any other chapter or article of the North Central Fire Protection District ordinance adopting the 2016 California Fire Code

(ii) An executed Indemnification and Hold Harmless Agreement as required by the North Central Fire Protection District Attorney or designee.

(iii) Throughout the life of the permit, the applicant shall pay for and maintain in full force and effect policies of insurance as required by the North Central Fire Protection District Attorney or designee. The policies of insurance shall name the North Central Fire Protection District, its officers, officials, agents, employees and authorized volunteers as additional insured. The applicant shall submit proof of insurance in a manner authorized by the North Central Fire Protection District Attorney or designee.

(iv) Other information as may be required by the fire department or North Central Fire Protection District, pursuant to administrative rules and procedures promulgated by the fire code official pursuant to Section 5502.6(b).

(c) Permits shall be issued upon review of all information submitted by the organization and inspection and approval of the organization's temporary fireworks stand.

5602.9. Safe and Sane Fireworks: Operator Safety Seminar.

Each year, one or more representatives from each organization that is granted a permit to sell or display fireworks shall attend a stand operator safety seminar conducted by the City of Fresno Fire Department or the fireworks industry. Failure of an organization to have a responsible individual attend the seminar shall result in the revocation of the permit.

5602.10. Revocation of Permits.

The fire code official or designee may revoke the permit of any organization that violates the provisions of this Section or any rules or regulations promulgated pursuant to Section 5602.6(b). Notice of revocation shall be made in writing by the fire department to the organization. The fire code official or his designee may reinstate a permit upon proof that the permit holder is in compliance with all provisions and rules pertaining to this Section.

5602.11. Administrative Fines.

In addition to any other remedy available at law, any person or entity who possesses, uses, stores, sells and/or displays dangerous fireworks or any person or entity who possesses, uses, sells and/or displays Safe and Sane fireworks on or at dates, times, or locations other than those permitted by this Section are subject to an administrative fine of not less than one-thousand dollars (\$1,000.00).

5602.12. Seizure of Fireworks.

The fire code official or designee shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Section. Such seizure shall be subject to cost recovery in accordance with Section 109.5.

5602.13. Appeals.

(a) A citation issued for failure to comply with the provisions of this Section can be appealed to the North Central Fire Protection District Board of Directors by submitting a written request for an appeal hearing within 10 days from the date of the citation. Appeals shall be mailed to "Attention: Fire Chief, Fresno Fire Department, 911 H Street, Fresno California 93721". If no appeal is filed within the time prescribed, the action of the fire code official or designee shall be final.

(b) The denial of an application for a fireworks permit shall be appealed pursuant to 5602.13(a). If no appeal is filed within the time prescribed, the action of the fire code official or designee shall be final.

(c) A minor and the parent(s) or guardian(s) having custody and control of said minor, are jointly and severally liable to the North Central Fire Protection District for any administrative citation and/or penalty issued for failure to comply with the provisions of this Section.

(d) The administrative citation penalty may become a special assessment or a lien against the property of any person who is issued a citation for violation of the provisions of this Section. This shall include the property of a minor who is issued a citation and/or the property of the parent(s) or guardian(s) having custody and control of the minor or private property owner that allows the illegal use or storage on their property.

SECTION 5603. PROHIBITION OF EXPLOSIVES.

Section 5603 of the California Fire Code is amended to read:

5603. Prohibition of Explosives. The possession, storage, use and handling of explosives are prohibited within the limits established by law.

Exception: Storage and sale of small arms ammunition, small arms primers, smokeless powder and black sporting powder in accordance with Title 19, Chapter 10, Article 12 of the California Code of Regulations and Section 307 of the California Building Code.

FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 5704.2.9.6.1. LOCATIONS WHERE ABOVE-GROUND TANKS ARE PROHIBITED.

Section 5704.2.9.6.1 of the California Fire Code is amended 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 shall be in accordance with the protected above-ground tank provisions of Section 2306.2.3.

Exceptions:

1. Bulk plants and terminals.
2. Refineries.
3. Standby generators with integral base tanks for Class II liquids when installed per fire department policy.
4. For above-ground tanks at tank farms and construction sites, see 5706.2.

SECTION 5704.3.5.1. BASEMENT STORAGE.

Section 5704.3.5.1 of the California Fire Code is amended to read:

5704.3.5.1. Basement Storage. Class I liquids shall not be stored in basements. Class II and IIIA liquids shall be allowed to be stored in basements, provided that automatic fire suppression and other fire protection are provided in accordance with Chapter 9.

SECTION 5706.2.4. PERMANENT AND TEMPORARY TANKS.

Section 5706.2.4 of the California Fire Code is amended to read:

5706.2.4. Permanent and Temporary Tanks. The aggregate capacity of permanent and temporary above-ground tanks containing Class I and II liquids shall not exceed 1,100

gallons (4163.9L). Tanks shall be constructed in accordance with Section 5704.2 (et. al.).

Exception: Protected above-ground tanks meeting the requirements of Section 2306.2.3.

LIQUIFIED PETROLEUM GASES

SECTION 6101.3. CONSTRUCTION DOCUMENTS.

Section 6101.3 of the California Fire Code is amended to read:

6101.3. Construction Documents. Where a single container or aggregate of containers is more than 125 gallons in water capacity, the installer shall submit construction documents for such installation.

APPENDIX B

FIRE-FLOW REQUIREMENTS FOR BUILDINGS

SECTION B103.4 ADDITIONAL MODIFICATIONS.

Section B103.4 of the California Fire Code is amended to read:

B103.4 Additional Modifications. The fire chief is authorized to make additional modifications to fire-flow requirements for any building, or group of buildings, provided the modifications meet the intent of this code and are supported by the water system capability of the water purveyor. This section does not permit, and shall not be used for, waiving provisions of this code for required fire flow.

APPENDIX C

FIRE HYDRANT LOCATIONS AND DISTRIBUTION

SECTION C103.4 ADDITIONAL MODIFICATIONS.

Section C103.4 of the California Fire Code is amended to read:

C103.4 Additional Modifications. The fire chief is authorized to make additional modifications to the number of fire hydrants, fire hydrant spacing and fire hydrant location requirements, provided the modifications meet the intent of this code and are supported by the water distribution system. This section does not permit, and shall not be used for, waiving provisions of this code related to the number of fire hydrants, or fire hydrant spacing and location requirements.

(PART 2.5 2016 California Residential Code)

SECTION 907. ROOFTOP-MOUNTED PHOTOVOLTAIC SYSTEMS.

R907.1. Rooftop-mounted photovoltaic systems. Rooftop-mounted photovoltaic panels or modules shall be installed in accordance with this section, Section R324, the California Electrical Code and this ordinance, commencing with section 605.11 (et. al.).

SECTION 8-103. HISTORIC BUILDINGS.

Section 8-103.3 of the California Historical Building Code (CHBC) is amended to read:

8-103.3 Liability. Prevailing law regarding immunity of building and fire officials is unaffected by the use and enforcement of the CHBC.

8-104.4 Local agency fees. The North Central Fire Protection District and any local agencies, when involved in the appeal, may also charge affected persons reasonable fees not to exceed the cost of obtaining reviews and appeals from the Board.

8-302.1 Existing use. The specific use or character of occupancy of a qualified historical building or property, or portion thereof, may be permitted to continue in use regardless of any period of time in which it may have remained unoccupied or in other uses, provided such building or property otherwise conforms to all applicable requirements of the CHBC.

8-302.2 Change in occupancy. The use or character of the occupancy of a qualified historical building or property may be changed from or returned to its historical use or character, provided the qualified historical building or property conforms to the requirements applicable to the new use or character of occupancy as set forth in the CHBC and North Central Fire Protection District Fire Code sections 903.1 through 903.3.5.1.2. Such change in occupancy shall not mandate conformance with new construction requirements as set forth in regular code.

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 North Central Fire Protection District hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, regardless if any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

This ordinance shall be in full force and effect after its adoption by the North Central Fire Protection Board of Directors and ratification by the City of Kerman City Council and the County of Fresno Board of Supervisors.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the North Central Fire Protection District on this 26th day of January, 2017, by the following vote:


AYES: Abrahamian, Belluomini, Koligian, Nonini and Souza

NOES:

ABSENT:

ABSTENTION:

APPROVED:


Board Chairperson

ATTEST:


Board Secretary

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF FRESNO) SS.
CITY OF Kerman)

I, Cheryl Belluomini, Board Secretary of the North Central Fire Protection District, do certify that the foregoing Ordinance of the Board of Directors of the North Central Fire Protection District was duly passed and adopted at a regular meeting of the Board of Directors on January 26, 2017.

DATED: January 26, 2017


Board Secretary