



# Moraga-Orinda Fire District

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**TO:** Candace Anderson, Supervisor, Contra Costa County District II  
Jason Crapo, Deputy Director and Contra Costa County Building Official

**FROM:** Kathy Leonard, Fire Marshal

**DATE:** November 2, 2016

**SUBJECT:** MOFD Proposed Ordinance No. 16-02

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On September 21, 2016, the District Board of Directors held a public hearing, adopted the findings, and introduced and passed for first reading of the proposed amendments for the 2016 California Fire Code/ 2015 International Fire Code. Under state law, the District is required to hold a public hearing and second reading before the proposed ordinance is adopted (Government Code § 50022.3).

The public hearing was held and the second reading of Ordinance # 16-02 passed on October 5, 2016. The associated public hearing is necessary for the adoption by the Board of Directors of the Fire Code with amendments in order to have the code enforceable within the required time period (prior to January 1, 2017). Copies of the signed document are forwarded to the Town of Moraga, City of Orinda and Contra Costa County Board of Supervisors (for unincorporated areas). This submittal is required in order for each agency to ratify the document.

In accordance with Health and Safety Code section 13869.7, copies of the proposed Ordinance and Findings of Fact have been provided to the Town of Moraga, the City of Orinda and Contra Costa County for review and comment.

California Health and Safety Code Section 13869.7 states that building standards adopted by local jurisdictions which are more stringent than those adopted by the state, to be enacted by ordinance and requires the Fire District to provide findings that support the need for more restrictive building standards based on local climatic, geological, or topographical conditions.

The Moraga-Orinda Fire District worked with other county fire districts in order to align our code with our neighboring jurisdictions as well as continue to provide the highest level of public safety through our code amendments.

Attached are the proposed amendments for the 2016 California Fire Code/2015 International Fire Code and the Findings of Fact. The Moraga-Orinda Fire District met with staff from the Town of Moraga, City of Orinda and Contra Costa County to develop and discuss the proposed amendments.

Ordinance No. 16-02 contains building standards, relating to fire and life safety, which are more restrictive than those adopted by the State Fire Marshal based on conditions that are outlined in the Findings of Fact.

For your review, the following attachments are provided;

1. Summary of code changes and amendments.
2. Proposed Ordinance 16-02 with underline and strikeout.
3. Ordinance 16-02, signed by MOFD Board of Directors
4. Finding of Fact
5. Matrix for amendments to building code standards
6. California Health and Safety Code 13869.7

**RECOMMENDATION:**

Review the attached documents. Discuss or submit any comments to MOFD.



## **Moraga-Orinda Fire District**

### ***Summary of Significant Changes to Draft Ordinance #16-02***

Every three years, local agencies can adopt and amend the minimum requirements for life and fire safety based on three conditions; climatic, geographic and geological criteria that justify having more restrictive code requirements.

MOFD Ordinance #16-02 adopts and amends the 2016 California Fire Code. The amendments with additions are necessary to provide for the highest level of life and fire safety given our unique and challenging location. Ordinance #16-02 reflects changes and additions to the 2016 CFC with language that is now in the 2016 California Fire Code (CFC) and 2015 International Fire Code (IFC).

Ordinance #16-2 is also the result of on-going collaborative work with adjacent agencies whenever possible in an effort to improve the clarity of all Ordinances, Codes and Standards while providing for the highest level of fire and life safety.

Specific changes to Ordinance #16-02 are summarized below:

#### **Part 1 Adoption of the California Fire Code**

The language was cleaned up and simplified from the previous Ordinance #13-02. The Two sections that described adopting the CFC with amendments were redundant so they were condensed for simplicity and clarity.

#### **Chapter 2 Definitions**

##### **Section 202 General**

- No new definitions were added, clean up language only.
- Nuisance fire alarm deleted, in 2016 CFC.
- Sky Lantern definition deleted, in 2016 CFC.

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

##### **Section 388.1.6.3 Sky Lanterns**

- Section deleted, in 2016 CFC

### **Section 311.2 Safeguarding Vacant Premises**

- Section deleted, in 2016 CFC

### **Section 325 Exterior Hazard Control**

- Section number change due to additions to the 2016 CFC. Changed from Section 319 to 325.
- Section 325.6.1 changes vertical height requirement from 13'6" to 15 feet to align with Municipal Codes of City of Orinda and the Town of Moraga.

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

- Removed deletion of Section 404 Fire Safety, Evacuation and Lockdown Plans
- Removed deletion of Section 405 Emergency Evacuation Drills
- Removed deletion of Section 406 Employee Training and Response Drills
- Deleted the deletion of Section 408 as it is no longer part of the 2016 CFC

## **Section 5 Fire Service Features**

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

- Section number clean up language.
- Section 503.2.1 Width, deleted, in 2016 CFC
- Section 503.2.1.2 Parking of vehicles, deleted, in 2016 CFC
- Section 502.3 Surface, deleted, in 2016 CFC
- Section 503.2.5 Dead ends, deleted, in 2016 CFC
- Section 503.2.7 Grade, amended to add new weight requirement that increased from 40,000 to 75,000 for fire apparatus per 2016 CFC

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

- Section 603.6.6 Sparks from Chimneys, Section number change due to additions to the 2016 CFC.

## **Chapter 9 Fire protection Systems**

### **Section 903 Automatic Fire Sprinkler Systems**

- Added Section 903.3.1.2.3 Undeclared Use and Tenant Space, amend to add that the building is equipped to conform to the design density and the most hazardous use of the building, even when undeclared at time of build.
- Section 903.3.3.19, System Risers, number change due to additions in the 2016 CFC.



## **Chapter 10 Means of Egress**

- Section 1028.5.1 Exit Discharge Surface, number change due to additions in the 2016 CFC.

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

- Section 3310.1 Required Access, deleted, in 2016 CFC.

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

### **Section 5001 Emergency Response Support Information**

- Clean up language, but no changes from previous Ordinance.

## **Chapter 56 Explosives and Fireworks**

- Clean up language.
- Section 5601.2.4.3 Rocketry, deleted in 2016 CFC
- Section 5601.3.1 Ammonium Nitrate, deleted in 2016 CFC
- Section 5601.4, Residential Uses, deleted in 2016 CFC
- Section 5601.5, Sale and Retail Display, deleted in 2016 CFC
- Section 5608, Fireworks Display, deleted in 2016 CFC
- Section 5608.2, Permit Required, deleted in 2016 CFC
- Section 5608.2.1 Prohibited and Limited Acts, deleted in 2016 CFC

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

- Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited, deleted in 2016 CFC.
- Section 3, deleted in 2016 CFC.

## ORDINANCE NO. 16-02

AN ORDINANCE OF THE MORAGA-ORINDA FIRE DISTRICT OF CONTRA COSTA COUNTY, CALIFORNIA, ADOPTING, THE 2016 EDITION OF THE CALIFORNIA FIRE CODE (WITH CERTAIN AMENDMENTS) AND BY REFERENCE, THE INTERNATIONAL FIRE CODE, 2015 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

The Board of Directors, as the governing Body of the Moraga-Orinda Fire District does ordain as follows:

### Part 1 ADOPTION OF THE CALIFORNIA FIRE CODE.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion or hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Moraga-Orinda Fire District are hereby referred to adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

The Moraga-Orinda Fire District does hereby adopt the California Fire Code, 2016 edition, including Appendices A, B, C, D, E, F, H, I and J and by reference, the International Fire Code as published by the International Code Council being particular the 2015 edition and thereof and whole thereof, save and except such portions as are hereinafter added, modified or amended by Part 2 of this ordinance is hereby adopted pursuant to Section 13869 of the California Health and Safety Code and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Moraga-Orinda Fire District, in the state of California, Repealing Ordinance No. 13-01 of the Moraga-Orinda Fire District; and all other Ordinances and parts of the Ordinances in conflict therewith.

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

~~That a certain document, three (3) copies of which are on file in the District, Fire Prevention Division offices 1280 Moraga Way, Moraga, CA, being marked and designated as the California Fire Code, 2013 edition, including Appendix Chapters A, B, C, E, F, G, H, I, J, and the International Fire Code, 2012 Edition, as published by the International Code Council,~~

~~be and is hereby adopted as the Fire Code of the Moraga-Orinda Fire District, in the State of California, regulating and governing the safeguards of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Moraga-Orinda Fire District are hereby referred to adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.~~



## Part 2. AMENDMENTS TO THE CALIFORNIA FIRE CODE.

The 2016 California Fire Code is amended by the changes, additions and modifications set forth in this Section 2. Chapter and Section numbers used below are those of the 2016 International Fire Code.

### Chapter 1 Administration:

Section 101.1 is amended to read:

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

Section 102.1 is amended by adding item 5 to read:

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

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

Section 105.4.3 **Applicant Responsibility** has been amended to add ~~105.4.3.1:~~ **read**

**105.4.3.1 Responsibility of Permittee.** It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and that the shop drawings are complete and in compliance with the applicable codes and standards. Building Permits shall be presumed by the city District to incorporate all of the work that the applicant, the applicant's agent, employees and/or contractors shall carry out. Said proposed work shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No City, Town or County approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

Section 105.6 is amended to read:

**105.6 Required operational permits.** The fire code official is authorized to issue operational permits for the operations set forth in Sections ~~105.6.48 through 105.6.53~~ **105.6.1 through 105.6.53**

Section ~~105.6.48~~ **105.6** is amended to add subsections ~~106.6.48 through 105.6.53:~~ **105.6.50 through 105.6.53:**

**~~105.6.48~~ 105.6.50 Battery Systems.** A permit is required to operate stationary lead acid battery systems having a liquid capacity of more than 50 gallons (189L) pursuant to Section 608.

**~~105.6.49~~ 105.6.51 Christmas tree sales.** A permit is required to use a property for the purpose of selling cut Christmas trees.

~~405.6.50 Firework aerial display.~~ A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 56 of this code.

~~405.6.51~~ **105.6.52 Model rockets.** A permit is required to sell or launch model rockets pursuant to California Code of Regulations Title 19, Division 1 Article 17.

~~405.6.52~~ **105.6.53 Temporary water supply.** A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 33.21-**33.12.1**

Section 105.7 is amended to read:

**105.7 Required construction permits.** The fire code official is authorized to issue construction permits for operations set forth in Chapter 1, Sections 105.7.1 through ~~405.7.16~~ **105.7.23**

Section ~~405.7.3.1~~ **105.7.19** has been added to read:

~~405.7.3.1~~ **105.7.19 Medical gas systems.** A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 5306.

Section ~~105.7.12~~ is amended to read:

~~405.7.12 Private water systems and fire hydrants.~~ A construction permit is required for the installation or modification of private fire water supply systems and fire hydrants

Section ~~405.7.17~~ **105.7.20** is amended to add: **has been added to read:**

**105.7.17 105.7.20 Access for fire apparatus.** A construction permit is required to install, improve, modify or remove public or private roadways, driveways, gates and bridges for required fire apparatus access.

Section ~~405.7.18~~ **105.7.21 has been** is added to read:

~~405.7.18~~ **105.7.21 Construction, alteration, or renovation of a building for which a building permit is required.** A construction permit is required to construct, add to, alter, renovate, rebuild, or move into the jurisdiction a structure for which a building permit is required.

~~405.7.20 Security gates.~~ A construction permit is required to install a gate across a fire apparatus access road, see Section 503.

Section 105.7.19 ~~105.7.22~~ is added to add: **has been added to read:**

~~405.7.19~~ **105.7.22 Subdivision of land.** A construction permit is required for any subdivision of land within the District. Plans shall be submitted for all land developments and/or improvements proposed within the District.

Section 105.7.22 **105.7.23** has been added to read:

**405.7.22 105.7.23 Water supply for fire protection.** A construction permit is required for water supply for fire protection. Plans shall be submitted to determine adequate water supplies and



fire hydrants are provided for all facilities, buildings or portions of buildings either constructed or moved into the District pursuant to Section 501.3.

Section 108.1 is amended to read:

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

~~Section 109.3 is amended to read:~~ **Section 109.4 is amended to read:**

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

Section 111.4 is amended to read:

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

## **Chapter 2 Definitions**

Section 202 is amended by adding the following definitions:

**Administrator.** ~~The~~ Fire Chief ~~or his/her designee.~~

**All weather driving surface.** A roadway designed to carry the imposed weight loads of fire apparatus with an ~~an~~ **approved** minimum finish of one layer of asphalt, ~~or concrete~~ **or other approved surface.**

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

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

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

**Cost of abatement.** All expenses incurred by the jurisdiction in its work of abatement undertaken and administrative costs pursuant to Section 325.5.4 of this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

~~Section 304.1.2 is amended to read:~~ Section 304.1. is amended to add:

**304.1(h) Vegetation.** Weeds, grass, vines, diseased or dead trees, ~~or other combustible growth, debris or rubbish~~ capable of being ignited and endangering property shall be cut down by the owner or occupant of the premises. ~~Vegetation Clearance of combustibles~~ upon default of the owner or occupant shall be in accordance with Section 325.

~~Section 308 is adopted~~

Section 308.1.6.3 is added to read:

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

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

Chapter 3 is amended to add Section 325 as follows:

**325 Exterior Fire Hazard Control.**

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

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

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

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

Section **325.2** has been amended to read:

**325.2 Definitions.**

The following definitions are defined in Chapter 2

All weather driving surface.

Cost of abatement.

Parcel

Person.



**Public nuisance.**

**Rubbish.**

**Streets.**

**Tree litter**

**Weeds.**

**Wildland-Urban interface area**

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

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

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

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

**325.5 Abatement of hazard.**

**325.5.1 Weeds, dead trees and rubbish to be destroyed or removed.** **Parcels are to be maintained free of hazardous vegetation and rubbish.**

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

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

**325.6.1 Clearance of brush or vegetative growth from street.** The fire code official is authorized to required areas within 3 feet on each side and ~~13 feet, 6 inches~~ **15 feet** in height of fire apparatus roads and driveways to be abated of flammable vegetation and other combustible growth.

**Exception:** Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy succulents or similar plants used a ground cover, provided

that they do not form a means of readily transmitting fire and not lower than ~~13 feet, 6 inches~~ **15 feet** vertical clearance in height from the roadway surface.

**325.6.2 Clearance of brush, vegetative growth and combustible material from parcels.**

All parcels declared a public nuisance by the Board of Directors shall be cleared entirely of combustible material. If the fire code official determines this impractical, the provisions of **325.6.2** may be used.

**325.6.2.1** Remove from parcel all dead trees **vegetative growth and rubbish that are** deemed a fire hazard.

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

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

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

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

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

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

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

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

**325.6.3.4** Maintain trees within 100 feet of any building or structure or within 10 feet of any portion of any highway, street, ally, or driveway which is improved or used for vehicle travel or other vehicular purposes, so that leafy foliage, twigs or branches are within 5 feet of the ground.

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

**325.7 Fire Management Plan.** A **Fire Management Plan** shall be prepared by the applicant when required by the fire code official.

**325.8 Cost** The cost of the **Fire Management Plan** preparation and review shall be the responsibility of the applicant.



### **325.9 Abatement procedures.**

**325.9.1 Abatement order.** The fire code official of this jurisdiction may order the abatement of weeds, trees, and rubbish as described in Sections ~~304.1.2~~ **304.1** and **325.2**. On making the order, the fire code official of this jurisdiction shall mail a copy of a notice to the owner of the affected property as he/she and his/her address appear upon the current and last county equalized assessment roll as of January 1 of each calendar year, or as his/her address is known to this jurisdiction. As an alternative to mailing, the notice may be posted upon the affected property and published in this jurisdiction, not less than ten (10) days prior to the date of the abatement hearing. Copies of the notice shall be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice shall be in substantially the following form:

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

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

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

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

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

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

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

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



it is determined that there is an immediate and eminent threat of injury or death to any person if immediate action is not taken.

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

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

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

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

**325.9.8 Alternate mitigation.**

**325.9.9 Firebreaks/fuelbreaks.** In lieu of ordering abatement as provided in Section 325.9.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official shall consider the height of the growth, weather condition, topography, and the accessibility to the property of fire protection



equipment. The procedure set forth in Section 325.9.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

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

**325.11 Subsurface fire, penalties therefore.**

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

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

**Chapter 4 Emergency Planning and Preparedness.**

Section 401.5 is amended to add:

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

~~**Chapter 4 is modified by deleting the following sections;**~~

~~**Section 404** deleted in its entirety.~~

~~**Section 405** deleted in its entirety.~~

~~**Section 406** deleted in its entirety.~~

~~**Section 408** deleted in its entirety.~~

## **Chapter 5 Fire Service Features**

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

**All weather driving surface**

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

#### **Section 503.1.1 Buildings and facilities.**

~~Section 503.1.2 is amended add exception 4:~~

**Section 503.1.1 is amended add exceptions 1.4 and 1.5:**

**Exception 1.4.** The decision to modify, and the extent of any such modification shall be in accordance with minimum standards established by the fire code official.

**Exception 1.5** Buildings or portions of buildings exceeding 35 feet (10668 mm) in height above the lowest level of fire department access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

~~Section 503.1.2 is amended to add subsections 503.2.1.1, 503.2.1.2, and 503.2.1.3 as follows:~~

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

Section 503.1.2 is amended to add:

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

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

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

Section 503.2.1 is amended to add:

Section 503.2.1 **Dimensions** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than **15 feet (4572mm)**.



Section 503.2.1.1 is added to read:

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

Section 503.2.1.2 is added to read:

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

Section 503 is amended to add:

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

Section 503.2.1.3 building height is added to read:

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

Section 503.2.1.4 Proximity to building is added to read:

~~503.2.1.4~~ **503.2.1.4 Proximity to building.** At least one of the required access routes meeting this condition shall be located within a minimum of 20 feet (6096 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.  
**Exception:** Access routes serving structures greater than 75 feet (22 860 mm) in height and designed to high-rise standards.

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

- ~~1. Roadways 20 feet (6096 mm) in width, no parking permitted;~~
- ~~2. Roadways 28 feet (8534 mm) in width, parking permitted on one side only. Parking is permitted on the side of the street absent fire hydrants, and~~
- ~~3. Roadways 36 feet (10 973 mm) in width when parking is not restricted.~~

~~**Exception:** The fire code official is authorized to decrease the dimension of 20 feet where there are no more than two Group R-3 occupancies or any group U occupancies and there is no parking on the required access.~~

## **503.2 Specifications.**

Section 502.3 is amended to read:

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

Section 502.3 is amended to read:

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

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

Section 503.2.7 is amended to read:

**503.2.7 Grade.** The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus. A Fire department access road having a grade of 16% and 20% shall be designed to have a finished surface of grooved concrete to hold 40,000 ~~75,000~~ pounds (~~18,144 kg~~) **(34019kg)** (H-20 Cal-Trans Design Standard). Design for grooved concrete shall be ½ inch (6mm) by ½ inch (6mm) and 1-1/2 inch (38mm) on center. Grades exceeding 20 percent and cross slopes of greater than 8 percent are not permitted unless authorized in writing by the fire code official.

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

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

**Section 503.2.8 is amended to read:**

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

## **505 Premises Identification.**

Section 505 is amended by adding Section 505.3.1.1 **505.1.2** to read:

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

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

**507.2 Type of water supply.** A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing fire flow. Swimming pools and ponds and underground cisterns which would require a drafting operation for purposes of Section 507.1 Design criteria for water supply delivery shall be approved by the Fire District.

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

### **603.6 Chimneys.**

Section 603.6 is amended by adding subsection ~~603.2.1~~ **603.6.6** to read:

~~**603.2.1**~~ **603.6.6 Sparks from chimneys.** Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators by the Mechanical Code.



## **Chapter 9 Fire Protections Systems**

Section 902.1 is amended to add:  
The following definition is defined in chapter 2:  
**Substantial addition or expansion**

Section 903.1 is amended to read:

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

Section 903.2 is amended to read:

**903.2 Where required.** Approved automatic sprinkler systems shall be installed in new buildings with a gross floor area that exceeds 5000 square feet and in the locations set forth in section 903.4.

**Exceptions:**

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

**Section 903.2.8 Group R is amended to add exception 5.**

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

**Exceptions:**

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

Section 903.3.1.2.3 is added to read:

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

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

**903.3.5 Water supplies.**

Section 903.3.5 is amended to add subsection 903.3.5.3 to read:

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

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

Section ~~903.3.8~~ **903.3.10** is added to read:

**903.3.3.19 System Risers.** The location of system risers shall be approved by the fire code official. System risers shall be located in common area of the protected premises with regards to firefighter access. System risers located inside buildings shall either be located in stairways or in riser closets accessible from common areas.

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

Section 903.6.1 has been added to read:

**903.6.1 Substantial Remodel** In an existing building, if a substantial remodel occurs, the entire building shall be protected by an automatic sprinkler system in accordance with section 903 and **Chapter 11**

Section 903.6.2 is added to read:

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

Section 903.6.3 is added to read:

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

**Chapter 10 Means of Egress**

Section **1028.5** is amended to add:

**1028.5.1 Exit discharge surface.** Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather and terminate at a public way as defined in the *California Building Code*.

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

Section 3301.3 is added to read:

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

Section 3301.4 Permits is added to read:

**Section 3301.3 Permits**

**3301.3 Temporary fire department access road for construction.** A permit is required to utilize a temporary fire department access road for construction regulated by Section 3301.4 **2** see Section 105.7



Section 3301.4 is added to read:

**3301.4 Temporary fire department access road for construction of one (1) residential (Group R-3) unit.** A permit is required to utilize a temporary fire department access road for construction regulated by Section 3301.2, see Section 105.7

Section 3301.5 is added to read:

**3301.5 Temporary water supply.** A permit is required to utilize a temporary water supply for construction of residential projects or subdivisions regulated by Section 3312.1, see Section 105.7.

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

Section 3310.2 is added to read:

~~**3310.1.4**~~ **3310.2 Permit.** A permit is required for a temporary fire department access road, see Section 105.7.12.

Section ~~3310.1.2~~ **3310.3** is added to read:

~~3310.1.2~~ **3310.3 Temporary fire department access road for construction.** The use of a temporary roadway in lieu of permanent roadways is limited to April 15<sup>th</sup> through October 15<sup>th</sup>. Timelines may be modified by the fire code official depending on inclement weather conditions.

Section ~~3310.3~~ **3310.4** is added to read:

**3310.4 Obstructions to access roads.** Staging of building materials, placement of equipment or parking of worker vehicles shall not take place within the required width of a fire department access road.

Section ~~3310.3.2~~ **3310.5** is added to read:

**3310.5 Construction site locks.** Site security gates shall be provided with a District padlock. Application for a District padlock is made through the Fire Prevention Office.

### **3312 Water supply for fire protection.**

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

**3312.1.1 Permit.** A permit is required for temporary water supplies, see Section 105.7.12.

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

**Chapter 33 is amended to add Section ~~3318~~3308.3.3 to read:**

### **Section ~~3318~~ 3308.3 Demolition of structures**

**3318.1 3308.3 Construction documents.** Construction documents and schedule for demolition must be submitted to the fire code official when required by the building code official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved by the fire code official.

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

~~Section 5001.5 is amended to add Section 5001.5.3 to read:—~~

**Section 5001.5.3 is added to read:**

**5001.5.3 Emergency response support information.** Floor plan, material safety data sheets, Hazardous Materials Inventory Statements (HMIS), Hazardous Materials Management Plan, (HMMP) and other information must be stored at a readily accessible location, as determined by the fire code official. This location may be stored in cabinets outside of facilities or buildings. Information may be required in a specific electronic media format to facilitate computer aided dispatching.

## **Chapter 56 Explosives and Fireworks**

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

**Section 5601.3 is amended to read:**

**56.01.2 5601.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.** The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the District are prohibited.

### **Exceptions:**

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

**Section 5601.3 is added to read:**

**5601.2.4 5601.3.2 Prohibited and Limited Acts.** The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned of industrial or agricultural uses. In districts where storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 5601.8.1 and 5601.8.11.

~~Section 5601.2.3~~ **5601.3 is added to read:**

**5601.3.3 Permit restrictions:** The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned of industrial or agricultural uses. In districts where storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 5601.8.1 and 5601.8.1.1.

Section 5601.2.4 is amended to read:

**5601.2.4 Financial responsibility.** Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.



Section 5601.2.4.3 is added to read:

**~~5601.2.4.3 Rocketry.~~** The storage, handling and use of model and high-power rockets shall comply with the requirements of *California Code of Regulations, Title 19, Article 17* and when appropriate NFPA 1122, NFPA 1125, and NFPA 1127.

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

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

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

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

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

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

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

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

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

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

Section 5704.2.9.5.1 is amended to add an exception to read:

**~~5704.2.9.6.1 Locations where above-ground tanks are prohibited.~~** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited, see Section 3.

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

**~~SECTION 3.~~** That the geographic limits referred to in certain sections of the ~~2016~~ California Fire Code are hereby established as follows:

**~~3.1~~** The limits referred to in Section 5704.2.9.6.1 of the California Fire Code in which storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited, are hereby

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

~~3.2 The limits referred to in Section 5706.2.4.4 of the California Fire Code in which storage of Class I and II liquids in above ground tanks is prohibited, are hereby established as follows: Any area which is zoned for other than commercial, industrial, or agricultural use.~~

~~3.3 The limits referred to in Section 5506.2 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited is hereby established as follows: Any area which is zoned for other than industrial use.~~

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

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

**13.1 Repeal.** The following Ordinance previously adopted by the Board of Directors is hereby repealed: Ordinance #13-01, Moraga-Orinda Fire District with amendments from the California Fire Code (2013 Edition).

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

**14.1 Validity.** The Board of Directors of the District hereby declares that should any section, paragraph, sentence or work of this Ordinance 16-02 or of the California Fire Code, 2013 2016 Edition and the International Fire Code, 2012 2015 Edition as adopted and amended herein be declared for any reason to be invalid, it is the intent of the Board of Directors of the District that it would have passed all other portions or provisions of this Ordinance independent of the elimination here from any such portion or provision as may be declared invalid.

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

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

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

**16.1 Date of effect.** This Ordinance shall become effective on January 1, 2017 and within fifteen (15) days of passage, shall be published once with the names of the Directors voting for and against it, in the Contra Costa Times, a newspaper of general circulation in this District. Passed and Adopted on XXXXXX, by the following Vote:



AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Grace Santos, Secretary  
Board of Directors

\_\_\_\_\_  
**Stephen L. Anderson**, President  
Board of Directors

## ORDINANCE NO. 16-02

AN ORDINANCE OF THE MORAGA-ORINDA FIRE DISTRICT OF CONTRA COSTA COUNTY, CALIFORNIA, ADOPTING, THE 2016 EDITION OF THE CALIFORNIA FIRE CODE (WITH CERTAIN AMENDMENTS) AND BY REFERENCE, THE INTERNATIONAL FIRE CODE, 2015 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

The Board of Directors, as the governing Body of the Moraga-Orinda Fire District does ordain as follows:

### Part 1 ADOPTION OF THE CALIFORNIA FIRE CODE.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion or hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Moraga-Orinda Fire District are hereby referred to adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

The Moraga-Orinda Fire District does hereby adopt the California Fire Code, 2016 edition, including Appendices A, C, D, and by reference, the International Fire Code as published by the International Code Council being particular the 2015 edition and thereof and whole thereof, save and except such portions as are hereinafter added, modified or amended by Part 2 of this ordinance is hereby adopted pursuant to Section 13869 of the California Health and Safety Code and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Moraga-Orinda Fire District, in the state of California,

Repealing Ordinance No. 13-01 of the Moraga-Orinda Fire District; and all other Ordinances and parts of the Ordinances in conflict therewith.

### Part 2. AMENDMENTS TO THE CALIFORNIA FIRE CODE

The 2016 California Fire Code is amended by the changes, additions and modifications set forth in this Section 2. Chapter and Section numbers used below are those of the 2016 International Fire Code.

#### Chapter 1 Administration:

Section 101.1 is amended to read:

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

Section 102.1 is amended by adding item 5 to read:

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

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



Section 105.4.3 Applicant Responsibility has been amended to read:

**105.4.3.1 Responsibility of Permittee.** It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and that the shop drawings are complete and in compliance with the applicable codes and standards. Building Permits shall be presumed by the city District to incorporate all of the work that the applicant, the applicant's agent, employees and/or contractors shall carry out. Said proposed work shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No City, Town or County approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

Section 105.6 is amended to read:

**105.6 Required operational permits.** The fire code official is authorized to issue operational permits for the operations set forth in 105.6.1 through 105.6.53

Section 105.6 is amended to add subsections: 105.6.50 through 105.6.53:

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

**105.6.51 Christmas tree sales.** A permit is required to use a property for the purpose of selling cut Christmas trees.

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

**105.6.53 Temporary water supply.** A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 33.12.1

Section 105.7 is amended to read:

**105.7 Required construction permits.** The fire code official is authorized to issue construction permits for operations set forth in Chapter 1, Sections 105.7.1 through 105.7.23

Section 105.7.19 has been added to read:

**105.7.19 Medical gas systems.** A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 5306.

Section 105.7.20 has been added to read:

**105.7.17 105.7.20 Access for fire apparatus.** A construction permit is required to install, improve, modify or remove public or private roadways, driveways, gates and bridges for required fire apparatus access.

Section 105.7.21 has been added to read:

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

Section 105.7.19 105.7.22 has been added to read:

**105.7.22 Subdivision of land.** A construction permit is required for any subdivision of land within the District. Plans shall be submitted for all land developments and/or improvements proposed within the District.

Section 105.7.22 105.7.23 has been added to read:

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

Section 108.1 is amended to read:

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

Section 109.4 is amended to read:

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

Section 111.4 is amended to read:

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

## **Chapter 2 Definitions**

Section 202 is amended by adding the following definitions:

**Administrator.** The Fire Chief or his/her designee.

**All weather driving surface.** A roadway designed to carry the imposed weight loads of fire apparatus with an approved minimum finish of one layer of asphalt, concrete or other approved surface.

**Board of Directors.** The governing body of the District.

**Cost of abatement.** All expenses incurred by the jurisdiction in its work of abatement undertaken and administrative costs pursuant to Section 325.5.4 of this Ordinance.

**Corporation counsel.** The Attorney for the District.

**District Board.** The Board of Directors of the District.

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

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

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



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

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

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

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

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

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

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

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

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

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

**Temporary fire department access road for construction.** An approved temporary roadway for emergency vehicle use during construction.

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

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

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

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

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

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

Section 304.1 is amended to add:

**304.1(h) Vegetation.** Weeds, grass, vines, diseased or dead trees, combustible growth, debris or rubbish capable of being ignited and endangering property shall be cut down by the owner or

occupant of the premises. Clearance of combustibles upon default of the owner or occupant shall be in accordance with Section 325.

Section 308 is adopted

**Chapter 3 is amended to add Section 325 as follows:**

**325 Exterior Fire Hazard Control.**

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

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

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

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

**Section 325.2 has been amended to read:**

**325.2 Definitions**

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

**All weather driving surface**

**Cost of abatement**

**Parcel**

**Person**

**Public nuisance**

**Rubbish**

**Streets**

**Tree litter**

**Weeds**



## **Wildland-Urban interface area**

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

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

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

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

## **325.5 Abatement of hazard.**

**325.5.1 Weeds, dead trees and rubbish to be destroyed or removed.** Parcels are to be maintained free of hazardous vegetation and rubbish.

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

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

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

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

**325.6.2 Clearance of brush, vegetative growth and combustible material from parcels.** All parcels declared a public nuisance by the Board of Directors shall be cleared entirely of combustible material. If the fire code official determines this impractical, the provisions of 325.6.2 may be used.

**325.6.2.1** Remove from parcel all dead trees vegetative growth and rubbish that are deemed a fire hazard.

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

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



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

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

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

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

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

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

**325.6.3.4** Maintain trees within 100 feet of any building or structure or within 10 feet of any portion of any highway, street, ally, or driveway which is improved or used for vehicle travel or other vehicular purposes, so that leafy foliage, twigs or branches are within 5 feet of the ground.

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

**325.7 Fire Management Plan.** A Fire Management Plan shall be prepared by the applicant when required by the fire code official.

**325.8 Cost** The cost of the Fire Management Plan preparation and review shall be the responsibility of the applicant.

#### **325.9 Abatement procedures.**

**325.9.1 Abatement order.** The fire code official of this jurisdiction may order the abatement of weeds, trees, and rubbish as described in Sections 304.1 and 325.2. On making the order, the fire code official of this jurisdiction shall mail a copy of a notice to the owner of the affected property as he/she and his/her address appear upon the current and last county equalized assessment roll as of January 1 of each calendar year, or as his/her address is known to this jurisdiction. As an alternative to mailing, the notice may be posted upon the affected property and published in this jurisdiction, not less than ten (10) days prior to the date of the abatement hearing. Copies of the notice shall be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice shall be in substantially the following form:

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

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

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



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

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

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

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

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

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

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

**325.9.6 Abatement report of costs.** The fire code official or his or her designee abating the nuisance shall keep an account of the cost of abatement in front of or on each separate parcel



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

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

**325.9.8 Alternate mitigation.**

**325.9.9 Firebreaks/fuelbreaks.** In lieu of ordering abatement as provided in Section 325.9.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official shall consider the height of the growth, weather condition, topography, and the accessibility to the property of fire protection equipment. The procedure set forth in Section 325.9.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

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

**325.11 Subsurface fire, penalties therefore.**

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

**325.12 Fire suppression costs.** If there exists upon the lands of any person as herein defined a subsurface fire involving the burning or combustion of peat or vegetable matter and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish



or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of providing rescue or emergency medical services shall be a charge against said person. The charge shall constitute a debt of that person and is collectable by the Fire District incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See State of California Health & Safety Code §13009)

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

Section 401.5 is amended to add:

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

#### **Chapter 5 Fire Service Features**

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

**All weather driving surface**

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

##### **Section 503.1.1 Buildings and facilities**

Section 503.1.1 is amended add exceptions 1.4 and 1.5:

**Exception 1.4.** The decision to modify, and the extent of any such modification shall be in accordance with minimum standards established by the fire code official.

**Exception 1.5** Buildings or portions of buildings exceeding 35 feet (10668 mm) in height above the lowest level of fire department access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

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

Section 503.1.2 is amended to add:

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

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

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

Section 503.2.1 is amended to add:

**Section 503.2.1 Dimensions** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in

accordance with Section 503.6, and an unobstructed vertical clearance of not less than 15 feet (4572mm).

Section 503.2.1.1 is added to read:

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

Section 503.2.1.2 is added to read:

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

Section 503.2.1.3 building height is added to read:

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

Section 503.2.1.4 Proximity to building is added to read:

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

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

## **503.2 Specifications.**

Section 502.3 is amended to read:

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

Section 503.2.7 is amended to read:

**503.2.7 Grade.** The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus. A Fire department access road having a grade of 16% and 20% shall be designed to have a finished surface of grooved concrete to hold 75,000 pounds (34019kg) (H-20 Cal-Trans Design Standard). Design for grooved concrete shall be ½ inch (6mm) by ½ inch (6mm) and 1-1/2 inch (38mm) on center. Grades exceeding 20 percent and cross slopes of greater than 8 percent are not permitted unless authorized in writing by the fire code official.

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

Section 503.2.8 is amended to read:

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

## **505 Premises Identification**

Section 505 is amended by adding Section 505.1.2 to read:



**505.1.2 Street names and addressing.** Street names and addressing shall be submitted for review and approval to the District, approval not to be unreasonably withheld.  
Section 507.2 is amended to read:

**507.2 Type of water supply.** A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing fire flow. Swimming pools and ponds and underground cisterns which would require a drafting operation for purposes of Section 507.1 Design criteria for water supply delivery shall be approved by the Fire District.

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

### **603.6 Chimneys**

Section 603.6 is amended by adding subsection 603.6.6 to read:

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

## **Chapter 9 Fire Protections Systems**

Section 902.1 is amended to add:

The following definition is defined in chapter 2:

### **Substantial addition or expansion**

Section 903.1 is amended to read:

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

Section 903.2 is amended to read:

**903.2 Where required.** Approved automatic sprinkler systems shall be installed in new buildings with a gross floor area that exceeds 5000 square feet and in the locations set forth in section 903.4.

### **Exceptions:**

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

### **Section 903.2.8 Group R is amended to add exception 5**

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

### **Exceptions:**

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

Section 903.3.1.2.3 is added to read:

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

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

#### **903.3.5 Water supplies.**

Section 903.3.5 is amended to add subsection 903.3.5.3 to read:

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

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

Section 903.3.10 is added to read:

**903.3.3.19 System Risers.** The location of system risers shall be approved by the fire code official. System risers shall be located in common area of the protected premises with regards to firefighter access. System risers located inside buildings shall either be located in stairways or in riser closets accessible from common areas.

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

Section 903.6.1 has been added to read:

**903.6.1 Substantial Remodel** In an existing building, if a substantial remodel occurs, the entire building shall be protected by an automatic sprinkler system in accordance with section 903 and Chapter 11

Section 903.6.2 is added to read:

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

Section 903.6.3 is added to read:

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

#### **Chapter 10 Means of Egress**

Section 1028.5 is amended to add:

**1028.5.1 Exit discharge surface.** Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather and terminate at a public way as defined in the *California Building Code*.

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

Section 3301.3 is added to read:

**3301.3 Construction documents.** Construction documents and schedule for demolition must be submitted to the fire code official when required by the building code official. Where such



information is required, no work shall be done until such construction documents or schedule, or both, are approved by the fire code official.

Section 3301.4 Permits is added to read:

#### **Section 3301.3 Permits**

**3301.3 Temporary fire department access road for construction.** A permit is required to utilize a temporary fire department access road for construction regulated by Section 3301.2 see Section 105.7

Section 3301.4 is added to read:

**3301.4 Temporary fire department access road for construction of one (1) residential (Group R-3) unit.** A permit is required to utilize a temporary fire department access road for construction regulated by Section 3301.2, see Section 105.7

Section 3301.5 is added to read:

**3301.5 Temporary water supply.** A permit is required to utilize a temporary water supply for construction of residential projects or subdivisions regulated by Section 3312.1, see Section 105.7.

Section 3310.2 is added to read:

**3310.2 Permit.** A permit is required for a temporary fire department access road, see Section 105.7.12.

Section 3310.3 is added to read:

**3310.3 Temporary fire department access road for construction.** The use of a temporary roadway in lieu of permanent roadways is limited to April 15<sup>th</sup> through October 15<sup>th</sup>. Timelines may be modified by the fire code official depending on inclement weather conditions.

Section 3310.4 is added to read:

**3310.4 Obstructions to access roads.** Staging of building materials, placement of equipment or parking of worker vehicles shall not take place within the required width of a fire department access road.

Section 3310.5 is added to read:

**3310.5 Construction site locks.** Site security gates shall be provided with a District padlock. Application for a District padlock is made through the Fire Prevention Office.

#### **3312 Water supply for fire protection**

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

**3312.1.1 Permit.** A permit is required for temporary water supplies, see Section 105.7.12.

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

**Chapter 33 is amended to add Section 3308.3.3 to read:**

#### **Section 3308.3 Demolition of structures**

**3308.3 Construction documents.** Construction documents and schedule for demolition must be submitted to the fire code official when required by the building code official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved by the fire code official.

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

Section 5001.5.3 is added to read:

**5001.5.3 Emergency response support information.** Floor plan, material safety data sheets, Hazardous Materials Inventory Statements (HMIS), Hazardous Materials Management Plan, (HMMP) and other information must be stored at a readily accessible location, as determined by the fire code official. This location may be stored in cabinets outside of facilities or buildings. Information may be required in a specific electronic media format to facilitate computer aided dispatching.

## **Chapter 56 Explosives and Fireworks**

Section 5601.3 is amended to read:

**5601.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.** The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the District are prohibited.

### **Exceptions:**

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

Section 5601.3 is added to read:

**5601.3.2 Prohibited and Limited Acts.** The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned of industrial or agricultural uses. In districts where storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 5601.8.1 and 5601.8.11.

Section **5601.3** is added to read:

**5601.3.3 Permit restrictions:** The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned of industrial or agricultural uses. In districts where storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 5601.8.1 and 5601.8.1.1.

Section 5601.2.4 is amended to read:

**5601.2.4 Financial responsibility.** Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

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

**13.1 Repeal.** The following Ordinance previously adopted by the Board of Directors is hereby repealed: Ordinance #13-01, Moraga-Orinda Fire District with amendments from the California Fire Code (2013 Edition).



would have passed all other portions or provisions of this Ordinance independent of the elimination here from any such portion or provision as may be declared invalid.

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

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

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

**16.1 Date of effect.** This Ordinance shall become effective on January 1, 2017 and within fifteen (15) days of adoption, a summary will be published once with the names of the Directors voting for and against it, in the Contra Costa Times, a newspaper of general circulation in this District.

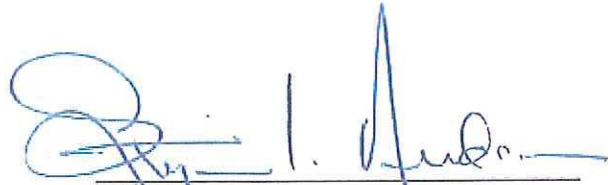
PASSED, APPROVED and ADOPTED this 5<sup>th</sup> day of October, 2016 at the regular meeting of the District Board of Directors held on October 5, 2016 at 2100 Donald Drive, Moraga, California, 94556, on a motion made by Director Weil seconded by Director Barber, and duly carried with the following roll call vote:

AYES: DIRECTORS ANDERSON, BARBER, FAMULENER AND WEIL


NOES: NONE

ABSENT: DIRECTOR EVANS

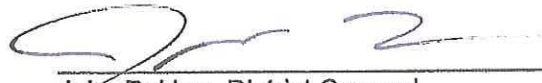
ABSTAIN: NONE

  
Stephen L. Anderson, President  
Board of Directors

ATTEST:

  
Grace Santos, District Clerk

APPROVED AS TO FORM:

  
John Bakker, District Counsel





## Moraga-Orinda Fire District

### Fire Code

#### Findings of Fact

Pursuant to Sections 17958.5 and 18941.5 of the California Health and Safety Code, the Moraga-Orinda Fire District (Fire District) finds that amendments to the International Fire Code, 2015 edition and the California Fire Code, 2016 Edition are necessary due to climatic, geologic and topographical conditions ("Conditions") which exist in the Fire District. With the adoption of the International Fire Code, 2015 Edition, and the California Fire Code, 2016 edition, additional amendments are required which are more restrictive in nature than those adopted by the State of California and the State Fire Marshal.

The local amendments to the International Fire Code, 2015 Edition, and the California Fire Code, 2016 Edition, have been evaluated by the Fire District as a tool for addressing the potential fire problem and concerns within the Fire District. The local amendments will establish and maintain an environment for a high level of fire and life safety to all persons who work and live within the Fire District boundaries.

The following conditions establish a fire hazard within the Fire District, which requires specific amendments to the International Fire Code, 2015 Edition and to the California Fire Code, 2016 Edition.

1. The Fire District is the gateway to the central Contra Costa County. It is located in a valley created by the Berkeley/ Oakland hills to the west and the rolling hills of central Contra Costa County to the east. Due to its location, the Fire District climate is more varied than that of its neighbors. The Fire District receives a little more rainfall than areas further inland and often, during the summer months, portions of the Fire District are enveloped in fog as the heat in the Central Valley draws cool air in from the San Francisco Bay. However, the Fire District also experiences the hot, dry summer weather that is characteristic of central Contra Costa County. This climate has promoted the growth of native grasslands, chaparral, oaks and other indigenous plant species for the area. The climate has encouraged the development of the Fire District, with the addition of primarily residential uses within the Fire district and the tremendous addition of non-indigenous plant species. Due to the location of the Fire District backing into the Oakland/Berkeley hills and in a valley, the Fire District often experiences air movements, which are not common to other communities. In summary, due to extreme vegetation, hot dry winds and high wind velocities fire conditions within a major portion of the Fire District are extreme. In building fires (as well as vegetation fires) the high wind accelerate fire, spreading at a rapid velocity.
2. The Fire District climate, location and topography encouraged early development as a vacation home area. Since World War II the fire District has continued to be a primarily residential area. The development occurred and continues to occur on the valley floor and hillsides. The street system with in the northern portion of the Fire District reflect the earlier development with narrow, steep and curve roadways. Residences have been built on long narrow cul-de-sacs, dead-end roads and adjacent to grasslands and chaparral areas. Areas that were once grazing

areas are no longer suitable or used for cattle grazing, thus the fuel supply in these areas continues to increase. As areas are developed additional forms of combustible vegetation and man-made structures have increased.

3. The topographic and geologic conditions in a large portion of the Fire District have not permitted the establishment of an infrastructure, which permits adequate fire protection to be provided when a new development occurs. It is difficult to widen existing streets to meet present standards for emergency operations. Fire hydrants, especially in the hillside areas, often have less than optimum water pressure levels and the terrain often causes emergency response time to exceed minimum standards. In summary, large portions of the Fire District do not have adequate water supplies and substandard roadways that delay the response of emergency equipment and extinguishment of a fire. This can allow for the potential of a fire to increase in area and intensity and for spread beyond the structure into the vegetation.
4. The October 1991 firestorm that occurred in the Oakland/Berkeley hills was a horrific example of the potential for a similar fire that could occur within Fire District. Many of the same conditions that contributed to the loss of life and property in the Oakland/Berkeley hill fire exist within a major portion of the Fire District. In addition, there is a significant amount of un-grazed open space on the surrounding undeveloped hillsides of the Fire District. Either a wildfire or structure fire could initiate a firestorm within the Fire District



## Key to Justifications for Amendments to Title 24 of the California Code of Regulations

A	<p>This amendment is necessary for administrative clarification of the California Fire Code pursuant to California Health and Safety Code Sections 17958, 17958.5, 17958.7. The October 1991 firestorm the occurred in the Oakland/Berkeley hills was a harbinger of the potential for a similar fire that could occur within Fire District. Many of the same conditions that contributed to the loss of life and property in the Oakland/Berkeley hill fire exist within a major portion of the Fire District. In addition, there is a significant amount of ungrazed open space on the surrounding undeveloped hillsides of the Fire District. Either a wildfire or structure fire could initiate a firestorm with the potential for a huge loss of life and property for the City of Orinda, the Town of Moraga, and in the unincorporated areas within Contra Costa County that are covered by the Moraga-Orinda Fire District.</p>
B	<p>This amendment is justified on the basis of a local geological condition. The Fire District climate, location and topography encouraged early development as a vacation home area. Since World War II the fire District has continued to be a primarily residential area. The development occurred and continues to occur on the valley floor and hillsides. The street system with in the northern portion of the Fire District reflect the earlier development with narrow, steep and curve roadways. Residences have been built on long narrow cul-de-sacs, dead-end roads and adjacent to grasslands and chaparral areas. Areas that were once grazing areas are no longer suitable for cattle grazing, thus the fuel supply in these areas continues to increase. As areas are developed additional forms of combustible vegetation and man-made structures have increased. The topographic and geologic conditions in a large portion of the Fire District have not permitted the establishment of an infrastructure, which permits adequate fire protection to be provided when a new development occurs. It is difficult to widen existing streets to meet present standards for emergency operations. Fire hydrants, especially in the hillside areas, often have less than optimum water pressure levels and the terrain often causes emergency response time to exceed minimum standards. In summary, large portions of the Fire District do not have adequate water supplies or roadways that delay the response of emergency equipment and extinguishment of a fire allowing the fire to increase in area. In order to mitigate the above situation that hinders the quick response to a fire, built-in automatic fire-extinguishing systems are required over and above state code requirements. The requirement and installation of such a system will allow for occupants to evacuate and allow the fire to be controlled before the Fire District arrives. This control of the fire also illuminates the potential for fire to spread beyond the structure into the vegetation. This geological condition within the District create hazardous condition for which departure from the California Fire Code is required.</p>

## Key to Justifications for Amendments to Title 24 of the California Code of Regulations

C	<p>This amendment is justified on the basis of a local climatic condition. The Fire District is the gateway to the central Contra Costa County. It is located in a valley created by the Berkeley/ Oakland hills to the west and the rolling hills of central Contra Costa County to the east. Due to its location, the Fire District climate is more varied than that of its neighbors. The Fire District receives a little more rainfall than areas further inland and often, during the summer months, portions of the Fire District are enveloped in fog as the heat in the Central Valley draws cool air in from the San Francisco Bay. However, the Fire District also experiences the hot, dry summer weather that is characteristic of central Contra Costa County. This climate has promoted the growth of native grasslands, chaparral, oaks and other indigenous plant species for the area. The climate has encouraged the development of the Fire District, with the addition of primarily residential uses within the Fire district and the tremendous addition of non-indigenous plant species. The seasonal climatic conditions during the late summer and fall create severe fire hazards to the public health and welfare within the District. The hot, dry weather in combination with the geological characteristics of the hills within the District create hazardous condition for which departure from the California Fire Code is required.</p>
D	<p>This amendment was justified on the basis of a local topographical condition. District topography includes significant hillsides with narrow and winding access, which makes timely response by fire suppression vehicles difficult. Conditions in a large portion of the Fire District have not permitted the establishment of an infrastructure, which permits adequate fire protection to be provided when a new development occurs. It is difficult to widen existing streets to meet present standards for emergency operations. Fire hydrants, especially in the hillside areas, often have less than optimum water pressure levels and the terrain often causes emergency response time to exceed minimum standards. In summary, large portions of the Fire District do not have adequate water supplies or roadways that delay the response of emergency equipment and extinguishment of a fire allowing the fire to increase in area. In order to mitigate the above situation that hinders the quick response to a fire, built-in automatic fire-extinguishing systems are required over and above state code requirements. The requirement and installation of such a system will allow for occupants to evacuate and allow the fire to be controlled before the Fire District arrives. This control of the fire also illuminates the potential for fire to spread beyond the structure into the vegetation. This topographical condition within the District create hazardous condition for which departure from the California Fire Code is required.</p>





## HEALTH AND SAFETY CODE - HSC

**DIVISION 12. FIRES AND FIRE PROTECTION [13000 - 14960]** ( *Division 12 enacted by Stats. 1939, Ch. 60.*  )

**PART 2.7. FIRE PROTECTION DISTRICT LAW OF 1987 [13800 - 13970]** ( *Heading of Part 2.7 renumbered from Part 3 (as added by Stats. 1987, Ch. 1013) by Stats. 1989, Ch. 1360, Sec. 91.*  )

**CHAPTER 5. General Powers and Duties [13860 - 13879]** ( *Chapter 5 added by Stats. 1987, Ch. 1013, Sec. 11.*  )

- 13869.7.** (a) Any fire protection district organized pursuant to Part 2.7 (commencing with Section 13800) of Division 12 may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code. For these purposes, the district board shall be deemed a legislative body and the district shall be deemed a local agency. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.
- (b) Any fire protection district that proposes to adopt an ordinance pursuant to this section shall, not less than 30 days prior to noticing a proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings made pursuant to subdivision (a), to the city, county, or city and county where the ordinance will apply. The city, county, or city and county, may provide the district with written comments, which shall become part of the fire protection district's public hearing record.
- (c) The fire protection district shall transmit the adopted ordinance to the city, county, or city and county where the ordinance will apply. The legislative body of the city, county, or city and county, may ratify, modify, or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply. Upon ratification of an adopted ordinance, the city, county, or city and county, shall file a copy of the findings of the district, and any findings of the city, county, or city and county, together with the adopted ordinance expressly marked and identified to which each finding refers, with the Department of Housing and Community Development.
- (d) Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.
- (e) Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.
- (f) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units.
- (g) This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.
- (h) (1) A city, county, or city and county that ratifies an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:
- (A) The chief of the fire protection district that adopted the ordinance, or his or her authorized representative.
- (B) The chief building official of the city, county, or city and county, or his or her authorized representative.

(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

*(Amended by Stats. 1993, Ch. 906, Sec. 13. Effective October 8, 1993. Operative January 1, 1994, by Sec. 24 of Ch. 906.)*