



Moraga-Orinda Fire District

TO: Board of Directors

FROM: Dave Winnacker, Fire Chief

DATE: February 15, 2023

SUBJECT: **Item 9.1 Second Reading and Adoption of Ordinance 23-01, adopting the 2022 Edition of the California Fire Code, with certain amendments, and by reference, the International Fire Code, 2021 Edition, published by the International Code Council and repealing Ordinance 20-01**

BACKGROUND

Recognizing the significant risk of fire to which our community is exposed, staff propose modest yet progressive modifications to the fire code in order to continue the adoption of best practices for new construction of homes and businesses, ensure roadway access, and water supplies for new construction or developments. Since its inception in 1997, the District has been at the forefront of fire code development and staff believes the attached ordinance is in keeping with this tradition.

The proposed amendments are the product of a year long effort carried out by all of the Fire Marshals in Contra Costa County meeting as part of the Contra Costa County Fire Chiefs Association Fire Prevention Officers Committee. The Fire Marshal working group worked to create a consensus on amendments to adequately protect each community and create a standardized template for a county wide fire code. Both Contra Costa County Fire Protection District and San Ramon Valley Fire Protection District have adopted the 2022 California Fire Code and their local amendments based on this work.

Under state law, the District is required to hold a public hearing and a first and second reading before the proposed Fire Code ordinance is adopted (Government Code § 50022.3). Prior to the first reading of the Fire Code Ordinance, copies of the draft Fire Code were forwarded to staff of the Town of Moraga, City of Orinda, and Contra Costa County Board of Supervisors (for unincorporated areas) for comment.

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. The proposed ordinance is the product of significant inter-agency coordination to ensure all concerns have been addressed.

Attached are the proposed amendments for the 2022 California Fire Code and 2021 International Fire Code. Presentations outlining the proposed changes will be made to the City of Orinda and Town of Moraga Councils after the first reading of this Ordinance upon request by these bodies.

MAJOR CHANGES:

Every three years new editions of the state codes are published. The new codes and local amendments reflect changes in technology, fire safety techniques, and the building industry. These codes become the minimum standards for the State of California on January 1, 2023. By adopting the 2022 Fire Code, the Moraga-Orinda Fire District will be enforcing a code that is consistent with state regulations.

The following is a summary of the proposed amendments to the 2022 Fire Code:

- **Chapter 1 Operational & Construction Permits**
 - Identify when operational and construction permits are required
- **Chapter 2 Definitions**
 - Amend and clarify language for substantial addition and substantial alteration
 - Added new definition of new construction
- **Chapter 3 General Safety Provisions**
 - Removed Exterior Hazard Abatement requirements.
- **Chapter 4 Emergency Planning and Preparedness**
 - Added nuisance Fire Alarm
 - Added aerial Pre-Plans
 - Amended standby Personnel
- **Chapter 5 Fire Service Features**
 - Added access to open space
 - Added existing Fire Trails maintenance requirements
 - ~~Added language to clarify Traffic Calming Devices, where they are prohibited, and criteria used to evaluate proposed installations.~~
 - Added language for Knox Box content requirements
- **Chapter 6 Building Service and Systems**
 - Added Spark Arrestors requirements for chimneys
- **Chapter 9 Fire Protection and Life Safety Systems**
 - Added language for when records shall be submitted to a third party record keeping service for all system inspections, test and maintenance.
 - Amend definitions for Substantial Additions and Alterations to existing structures:
 - Require fire sprinklers for any alteration in all occupancies except Group R-3 that have an addition or expansion where fifty percent or greater of the linear length of the wall of the building (exterior and interior) and fifty percent of the roof are removed, replaced, or added within a one-year period.
 - Require fire sprinklers for any addition in group R-3, the addition of new gross floor area that exceeds fifty percent of the existing gross floor area or the addition of new gross floor area that results in the building having a gross floor area of 3,600 sq. ft. or greater.
 - Added under eave sprinklers for new Structures (R-3)
 - Requires exterior under eave sprinklers for residential sprinkler systems
 - Added county wide standardization for sprinkler requirements for all occupancies other than R-3
 - Added language for Non-permissible water storage identified
 - Amended monitoring of alarm systems to comply with NFPA 72
- **Chapter 10 Means of Egress**
 - Added exit discharge surface requirements
- **Chapter 33 Fire Safety during Construction and Demolition**
 - Added site safety plan and site security requirements
 - Added asbestos removal requirements
- **Chapter 50 Hazardous Materials**
 - Amended requirements to Hazardous Material Management Plans
 - Added requirements to Emergency response support information
 - Added documentation requirements of chapter 50 and federal hazardous materials regulations
- **Chapter 53 Compressed Gasses**
 - Amended gas detection systems requirements
- **Chapter 56 Explosives and Fireworks**
 - Amended requirements for commercial fireworks shows and storage of fireworks
- **Chapter 57 Flammable and Combustible Liquids**

- Added requirements for facility fire/ explosion/ hazardous material release analysis assessment
- Amended above ground tank prohibited locations
- **Chapter 58 Flammable Gasses and Cryogenic Fluids**
 - Amended Requirements for storage of flammable cryogenic fluids
- **Chapter 61 Liquefied Petroleum Gases**
 - Amended requirements for LPG tanks and capacity of locations
- **Chapter 80 Referenced Standards**
 - Amended requirements for referenced NFPA standards

- **Appendix B Fire Flow Requirements for Buildings**
 - Amended fire flow requirements for buildings other than R-3 and R-4
- **Appendix C Fire Hydrants Locations and Distribution**
 - Amended requirements for number and spacing of hydrants
 - Added maximum distance for hydrant locations
- **Appendix D Fire Apparatus Access Roads**
 - Amended access and Loading requirements
 - Amend table D103.2 to bring fire department turnarounds up to compliance with 2019 fire code (28 feet width of new roads)
 - Amended grade & angles of approach
 - Amended dead end fire apparatus turnarounds
 - Amended aerial access requirements
 - Added number of fire apparatus access roads for new developments

RECOMMENDATION

Staff Recommendation: 1) Discuss; 2) Deliberate; 3) Conduct a public hearing; 4) Introduce and waive the second reading Ordinance 23-01, an Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, adopting the 2022 Edition of the California Fire Code, with certain amendments, and by reference, the International Fire Code, 2021 Edition, published by the International Code Council and repealing Ordinance 20-01; consideration of Findings of Fact pursuant to Section 18941.5 of the Health and Safety Code; 5) Adopt Ordinance 23-01, adopting the 2022 Edition of the California Fire Code, with certain amendments, and by reference, the International Fire Code, 2021 Edition, published by the International Code Council and repealing Ordinance 20-01.

ATTACHMENT

[Attachment: Ordinance 23-01 MOFD 2022 Fire Code redline](#)

[Attachment: Ordinance 23-01 MOFD 2022 Fire Code.pdf](#)

[Attachment: 2022.12.21 Office of the Fire Chief-City of Orinda Fire Code Responses](#)

[Attachment: 2023.01.05 Office of the Fire Chief-Town of Moraga Fire Code Response](#)

[Attachment: 2023.01.11 - Public Comment Orinda City Council - First Reading](#)