

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR ^{BAB}
MICHAEL HUBERT, FIRE CHIEF, FIVE CITIES FIRE AUTHORITY

SUBJECT: ADOPTION OF 2010 CALIFORNIA FIRE CODE AND AMENDING
FIREWORKS REGULATIONS

BACKGROUND

The State mandates that every three years the fire codes are updated for all cities and counties throughout the State. The State adopted the 2010 California Fire Code on July 1, 2010 which became effective statewide on January 1, 2011. The City codifies the California Fire Code by amending Article VI Chapter 1 of the City's Municipal Code. Staff is recommending that the Council repeal and replace Article VI Chapter 1 of the Grover Beach Municipal Code adopting the 2010 Edition of the California Fire Code with local amendments and amending Article III Chapter 12 of the Grover Beach Municipal Code regulating fireworks sales and discharge.

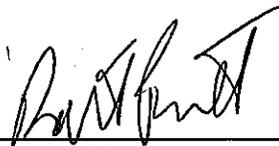
DISCUSSION

The State's Health and Safety Code mandates that the California Building Standards Commission adopt and publish the California Building Standards Code (Title 24 California Code of Regulations), which includes the 2010 California Fire Code every three years. In November 2010, the Council adopted all of the new codes except the 2010 Fire Code. The Five Cities Fire Authority requested additional time in an effort to coordinate the adoption among the three jurisdictions they serve.

The most significant revision to the 2010 Fire Code is that all new residential units classified as R-3 occupancies (one- and two-family dwellings, townhouses) are required to install fire sprinkler systems. However, the City of Grover Beach has required all new residences greater than 1,000 square feet to install fire sprinklers since 2004; therefore, the new fire code would only affect new residential units that are less than 1,000 square feet.

The State allows cities to make amendments to the 2010 Fire Code if local geographic, topographic or climatic conditions warrant changes. In the past, the City has adopted many of these local amendments to address our unique circumstances. However, the 2010 Fire Code has incorporated the majority of these previously adopted local amendments; therefore, only two local amendments are proposed this year.

APPROVED FOR FORWARDING



ROBERT PERRAULT
CITY MANAGER

Please Review for the Possibility of a Potential Conflict of Interest:

- | | |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> None Identified by Staff | <input type="checkbox"/> Bright |
| <input type="checkbox"/> Shoals | <input type="checkbox"/> Molnar |
| <input type="checkbox"/> Nicolls | <input type="checkbox"/> Peterson |

Meeting Date: May 16, 2011

Agenda Item No. 4

Section 6101 (B) of the ordinance adds a requirement that driveways over 40 feet in length be designated as fire lanes, consistent with the current Fire Code. This permits the City to require these driveways be posted as fire lanes allowing towing of parked vehicles that block access. Driveways over 40 feet that serve several residences are very common as a result of Planned Unit Developments (PUDs) in the City.

The second local amendment requires fire sprinklers be installed in additions or alterations to all buildings (residential, commercial and industrial). However, the Five Cities Fire Authority is requesting that the current calculation method be changed to a simple 50% increase of existing square footage for all additions or alterations to buildings and structures as follows:

- Throughout structures where additions to existing buildings add more than 50% of the existing square footage to the structure AND results in a total square footage in excess of 1,000 square feet.
- Throughout structures where alterations to existing buildings encompass more than 50% of the existing square footage of the structure AND are in excess of 1,000 square feet.
- Where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief.

The only exception would be for private garages and carports (U occupancies) when the building or structure is an accessory use to an R-3 occupancy (e.g., single family home, townhome) and separated by a minimum of ten feet. This would allow the construction of detached garages and workshops without fire sprinklers, if separated by a minimum of 10 feet from the residence.

The current calculation, first adopted in 2004 (reference Section 6109 (I) of Attachment 2), requires fire sprinklers be installed in additions based on a multiplier or weighted formula of square footage as follows:

Residential Development	Multiplier	Comm., Ind., & Multi-Family Development	Multiplier
Gross Living Area	1.00	Gross Area of Space	1.00
Garage, Workshops, etc.	0.25	Open Covered Areas	0.15
Porches, Patios, etc.	0.15		

Residential projects are required to install fire sprinklers based on the proposed area and type of addition (i.e., living area, garage, patio), if the weighted square footage is 40% or greater than the existing building.

Commercial, industrial and multi-family residential projects are required to install fire sprinklers based on the proposed area and type of addition (i.e., living area, garage, patio), if the weighted square footage is 25% or greater than the existing building.

There are two primary reasons for the requested change by the Five Cities Fire Authority. First, the current calculation takes into consideration design features such as porches and open covered areas which are sometimes left to interpretation in calculating the exact area. The proposed change of 50% or more of existing square footage is more straight forward and easily applied to all types of development. As a result, it is anticipated that the proposed calculation

method will have greater ease of use. Second, the goal of the proposed changes is to create consistent regulations among the Fire Authority's three jurisdictions. This would also assist local contractors and developers by not having different regulations among the three jurisdictions. Commercial, industrial and multi-family residential projects proposing additions would all benefit from raising the threshold from 25% to 50%. For single family residential projects, raising the threshold for additions from 40% to 50% would be beneficial in the vast majority of cases. The only scenario that could be more onerous is if a residential addition included an attached garage.

Alternatively, if the Council does not support the proposed change to a simple 50% threshold of addition area, the existing calculation method could be retained.

Fireworks Regulations

The Five Cities Fire Authority is requesting modifications to the City's existing regulations for the sale and discharge of fireworks. The Fire Authority is requesting the time of sales be between 9:00 a.m. to 9:00 p.m. Currently, there is no limitation on the hours of operation for selling fireworks. There would be no change to the fireworks sales period which is currently limited to a seven-day period from noon on June 28th through noon on July 5th.

In addition, the Fire Authority is requesting that the discharge of safe and sane fireworks be limited to noon on July 3rd to midnight on July 5th. The City currently has no limitation on the time or period of discharge and the Fire Authority believes that community safety would be enhanced by limiting the discharge period to the 4th of July holiday celebration. The goal of the proposed changes is to create consistent regulations among the Fire Authority's three jurisdictions and provide the public with a uniform set of rules wherever they choose to discharge their fireworks.

ALTERNATIVES

The City Council has the following alternatives to consider:

1. Introduce the Ordinance repealing and replacing Article VI Chapter 1 of the Grover Beach Municipal Code to adopt the 2010 Edition of the California Fire Code with local amendments and amend Article III Chapter 12 of the Grover Beach Municipal Code regulating fireworks sales and discharge by title only, and schedule the second reading and adoption at a public hearing scheduled for the next regular City Council meeting; or
2. Introduce the Ordinance repealing and replacing Article VI Chapter 1 of the Grover Beach Municipal Code to adopt the 2010 Edition of the California Fire Code with local amendments **retaining the existing fire sprinkler requirements for additions** and amend Article III Chapter 12 of the Grover Beach Municipal Code regulating fireworks sales and discharge by title only, and schedule the second reading and adoption at a public hearing scheduled for the next regular City Council meeting; or
3. Provide other direction to staff.

RECOMMENDED ACTION

It is recommended the City Council: 1) open and conduct the public hearing, receive public testimony, introduce the Ordinance repealing and replacing Article VI Chapter 1 of the Grover

Beach Municipal Code to adopt the 2010 Edition of the California Fire Code with local amendments and amend Article III Chapter 12 of the Grover Beach Municipal Code regulating fireworks sales and discharge by title only, and 2) schedule the second reading and adoption at a public hearing scheduled for the next regular City Council meeting.

FISCAL IMPACT

Adoption of the proposed Code Amendment will not have a fiscal impact to the City's General Fund. The cost to administer the Code is part of the service contract with the Five Cities Fire Authority.

PUBLIC NOTIFICATION

A 1/8 page legal ad was published in The Tribune on Friday, May 6, 2011. The agenda was posted in accordance with the Brown Act. Staff has made contact with Jerry Bunin of the Home Builders Association regarding the proposed ordinance. Mr. Bunin has indicated the Association has no comment on the draft ordinance. Current applicants for a 2011 fireworks stand permit as of this date, as well as past permit holders, were sent a copy of the public hearing notice.

ATTACHMENTS

1. Draft Ordinance No. 11-XX
2. Current GBMC Article VI, Chapter 1 to be repealed

ORDINANCE NO. 11-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH AMENDING ARTICLE III CHAPTER 12 AND AMENDING ARTICLE VI CHAPTER 1 OF THE GROVER BEACH MUNICIPAL CODE TO ADOPT THE 2010 CALIFORNIA FIRE CODE AND AMEND REGULATIONS FOR FIREWORKS

WHEREAS, every three years the State of California adopts updated fire codes referred to as the California Fire Code for the protection of the public; and

WHEREAS, the State-adopted 2010 California Fire Code became effective on January 1, 2011; and

WHEREAS, it is the desire and intent of the City Council to provide citizens with the greatest degree of fire and life safety in the most cost effective manner by adopting the California Fire Code with amendments specific to the City of Grover Beach; and

WHEREAS, on May 16, 2011, the City Council held a public hearing to consider an amendment to the City's Municipal Code to incorporate the 2010 California Fire Code with amendments and revise regulations regarding fireworks; and

WHEREAS, the proposed code amendments are exempt per Section 15061(b)(3) in accordance with the California Environmental Quality Act; and

WHEREAS, the local amendments to the 2010 California Fire Code affect the installation of fire sprinklers and common driveway access; and

WHEREAS, the California Health and Safety Code, Section 17958.5 requires the City Council make findings that the amendments to the 2010 California Fire Code are reasonably necessary because of local climatic, geographical or topographical conditions; and

WHEREAS, these local amendments to the 2010 California Fire Code are recognized by the City as tools for addressing potential fire problems which will establish and maintain an environment which will afford a level of fire and life safety to all who live and work within the City.

WHEREAS, the findings that are made for the local amendments to the 2010 California Fire Code shall be filed with the State of California Building Standards Commission.

WHEREAS, the City Council of the City of Grover Beach has determined that each of the local amendments or modifications to the 2010 California Fire Code are reasonably necessary because of local climatic, geographical, or topographical conditions in the City of Grover Beach and the following findings support the local necessity for the amendments;

1. **Geography** – Grover Beach is located in San Luis Obispo County which has a high probability of seismic activity due to several active earthquake faults within the region. The majority of the City has sandy soils with areas of high ground water which makes the soil more prone to liquefaction in major earthquakes. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. In the event of a significant earthquake, public safety resources would need to be

prioritized to mitigate the greatest threats and may not be available for every structural fire. In such event, the installation of fire sprinkler systems would mitigate the risk of damage.

2. Topography - The northern portion of Grover Beach includes steep hillsides and riparian areas with dense vegetation that contain moderate to high wildland fuel loading. These areas are adjacent to residential neighborhoods which could place them in peril if a wildland fire occurs, especially when the area experiences dry off-shore winds that aid the spread of fire. In the event of a significant wildland fire, public safety resources would need to be prioritized to mitigate the greatest threats and may not be available for every structural fire. In such event, the installation of fire sprinkler systems would mitigate the risk of damage.

The City of Grover Beach is divided by the Union Pacific Railroad tracks and has only one at grade crossing along the two miles of tracks within the City. Any blockage of the at-grade crossing, temporary or long-term could significantly delay the emergency response times of emergency personnel, especially during peak hours. The installation of fire sprinklers would reduce the spread of fire should a delay in response time occurred.

3. Climate – While the City of Grover Beach typically has a coastal climate, the area is periodically subject to extreme weather conditions, including strong off-shore winds, which can greatly enhance the ability of fire to spread rapidly. The installation of fire sprinkler systems would mitigate the risk of damage in the event of a wildland fire.

Further, the City commonly experiences dense coastal ground fog that can obscure vision, compromising early detection of fire. The installation of fire sprinkler systems would mitigate the risk of damage in the event that emergency response was delayed.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Grover Beach as follows:

PART 1. Article III Chapter 12 is hereby amended as follows:

ARTICLE III – PUBLIC WELFARE, MORALS AND CONDUCT

CHAPTER 12 - FIREWORKS

Section 3992. "Operation of Stand" Subsection (E) (1) shall be revised as follows:

(1) Fireworks stands need not comply with the provisions of the ~~Uniform~~ **California** Building Code provided that all stands are erected under the supervision of the Fire Chief (or his designee) who shall require that stands be constructed in a manner which will reasonably assure the safety of attendants and patrons.

Section 3992. "Operation of Stand" Subsection (E) (17) shall be revised as follows:

(17) The sale of fireworks shall not begin before noon on the twenty-eighth of June and shall ~~cease at not be continued after~~ noon on the fifth day of July. **Sales during this time period shall be limited to 9:00 a.m. to 9:00 p.m. each day. Any permittee failing to observe these**

hours designated for sale may have their permit revoked or be ineligible for a permit in subsequent years.

Section 3996. "Public Discharge" shall be added as follows:

Section 3996. Public Discharge Period.

Discharge of "safe and sane fireworks" shall only occur from noon on the third of July through midnight on the fifth of July. No person under eighteen (18) years of age may possess or discharge "safe and sane fireworks" except when under the direct supervision of a person twenty-one (21) years of age or older.

PART 2. Article VI Public Safety Chapter 1 is hereby repealed in its entirety and a new Chapter 1 is hereby adopted as follows:

ARTICLE VI – PUBLIC SAFETY

CHAPTER 1 – CALIFORNIA FIRE CODE

Sec. 6100. Fire Code Official.

The California Fire Code with amendments set forth in this Chapter shall be enforced by the Five Cities Fire Authority, which shall be operated under the Fire Chief of the Five Cities Fire Authority. The Fire Chief of the Five Cities Fire Authority may designate qualified individuals as inspectors as shall be necessary from time to time.

Sec. 6101. Adoption of California Fire Code.

The 2010 edition of the California Fire Code, including Appendix Chapters 4, A, B, BB, C, CC, D, H, is hereby adopted as the Fire Code of the City of Grover Beach except such portions as are hereinafter deleted, modified or amended by the rest of this Chapter.

- (A) The following Sections of the 2010 California Fire Code shall be revised to delete and insert the following:

Section 101.1 Title. Delete "Name of Jurisdiction" and insert "The City of Grover Beach".

Section 109.3 Violation Penalties. Delete "Specify Offense" and insert "Misdemeanor".

Section 109.3 Violation Penalties. Delete "Amount" and insert "One Thousand Dollars (\$1,000.00)".

Section 109.3 Violation Penalties. Delete "Number of Days" and insert "365".

Section 111.4 Failure to comply. Delete the first "Amount" and insert "triple the amount charged for the original permit fee(s)" and delete the second "Amount" and insert "One Thousand Dollars (\$1,000.00)".

- (B) Section 503.1 of the 2010 California Fire Code shall be deleted in its entirety and replaced with the following:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3. In addition to fire access required by the California Fire Code and Article IX of the Grover Beach Municipal Code, alleys and

common driveways are designated fire lanes and shall be maintained in accordance with sections 503.2.1, 503.3, and 503.4 of the California Fire Code.

EXCEPTION: Where common driveways were constructed prior to January 1, 1998, minimum width and height clearances may be modified by the Fire Chief.

EXCEPTION: Where common driveways do not exceed 40 feet in length.

(C) Section 903.2 of the 2010 California Fire Code shall be deleted in its entirety and replaced with the following:

903.2 Where required. Approved automatic sprinkler systems shall be installed as follows:

1. In all new buildings and structures that exceed 1,000 square feet for all occupancies except the R-3 occupancy (one- and two-family dwellings, townhouses) which shall comply with Section 903.2.2 of this Chapter.
2. In all new buildings and structures with a R-3 occupancy (one- and two-family dwellings, townhouses) per Section R313.1 of the California Residential Code with the exception of all U occupancies (private garages and carports) when the building or structure is an accessory use to the R-3 occupancy and separated by a minimum of ten feet.
3. In all additions or alterations to buildings and structures in all occupancies as follows:
 - a. Throughout structures where additions to existing buildings add more than 50% of the existing square footage to the structure AND results in a total square footage in excess of 1,000 (one-thousand) square feet.
 - b. Throughout structures where alterations to existing buildings encompass more than 50% of the existing square footage of the structure AND are in excess of 1,000 (one-thousand) square feet.
 - c. Where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief.
4. These requirements shall be applicable to the combined square footage of all building permits issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure for that purpose.

(D) Appendix D Section D107.1 Exception 1 of the 2010 California Fire Code shall be deleted in its entirety.

Sec. 6102. Recovery of Costs

Where an emergency situation is caused or exacerbated by a willful act, a negligent act, or a violation of the Fire Code, Building Code, or any other applicable law, ordinance or regulation, the cost of emergency service to mitigate and secure any emergency that is within the responsibility of the Fire Chief is a charge against the person who caused the emergency or who caused the circumstances leading to the creation of the emergency, and such person shall be liable for the costs of such services. Damages and expenses incurred by any public agency

providing emergency services or mutual aid shall constitute a debt of such person and shall be collectible by the Fire Chief or City Manager or designee for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Costs and expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to mitigate or secure the emergency, monitor remediation, and clean up.

Sec. 6103. Appeals.

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Chapter do not apply or that the true intent and meaning of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the City Manager within thirty (30) days from the date of the decision appealed. The applicant may appeal from the decision of the City Manager within thirty (30) days from the date of the decision appealed by following the provisions outlined within Section A101 of the 2010 California Fire Code.

Sec. 6104. Issuance of Citations.

Officers and employees within the City of Grover Beach authorized to issue citations are designated within Article I, Chapter 2, Section 1203.2 of the Grover Beach Municipal Code.

PART 3: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be in violation of the law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared in violation of the law.

PART 4: This Ordinance shall become effective thirty (30) days after the date of its adoption by the City Council. Within fifteen (15) days after adoption by the City Council, it shall be published in full, together with the names of the Council Members voting in favor, in a newspaper of general circulation within the City.

INTRODUCED at a meeting of the City Council held on May 16, 2011 and **PASSED, APPROVED, and ADOPTED** by the City Council on _____, 2011 on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DRAFT

JOHN P. SHOALS, MAYOR

ATTEST:

DONNA L. McMAHON, CITY CLERK

APPROVED AS TO FORM:

MARTIN D. KOCZANOWICZ, CITY ATTORNEY

ARTICLE VI - PUBLIC SAFETY

CHAPTER 1 - CALIFORNIA FIRE CODE, THE INTERNATIONAL FIRE CODE, AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 6100. Adoption of California Fire Code. (A) There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the 2006 International Fire Code, the 2007 California Fire Code, including Appendix Chapters 1, 4, A, B, C, D, F, G, H, the 2006 International Fire Code, and the 2006 International Property Maintenance Code as published by the International Fire Code Institute, being particularly the 2006 Editions thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by the rest of this Chapter, three (3) copies of which have been and are now filed in the office of the City Clerk of the City of Grover Beach and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Grover Beach.

(B) That the following sections of Appendix Chapter 1 are hereby revised:

Section 101.1 Title. Insert: The City of Grover Beach

Section 109.3 Violation Penalties. Insert: Misdemeanor, \$1000.00, 365 days

Section 111.4 Failure to comply. Insert: Triple the amount charged for the original permit fee(s), \$1000.00

(C) That the following section of Appendix D is hereby revised:

Section D107.1 DELETE Exception 1 from the text. (Ord. 07-09)

Sec. 6101. Establishment and Duties of Bureau of Fire prevention. The California Fire Code, International Fire Code, and International Property Maintenance Code as adopted and amended herein shall be enforced by the bureau of fire prevention within the fire department of the City of Grover Beach which is hereby established and which shall be operated under the supervision of the Fire Chief. (Ord. 07-09)

Sec. 6102. DEFINITIONS.

(A) Whenever the word "jurisdiction" is used in the California Fire Code or in this Chapter, it shall be held to mean the City of Grover Beach.

(B) Whenever the words "Corporation Counsel" is used in the California Fire Code, it shall be held to mean the City Attorney for the City of Grover Beach.

(C) Whenever the words "Fire Code Official" are used in the California Fire Code or this Chapter, they shall be held to mean the Fire Marshal. The Fire Marshal shall be the Fire Chief of the City of Grover Beach.

(D) Wherever the term "City Council" is used in the California Fire Code or in this Chapter, it shall be held to mean the City Council of the City of Grover Beach. (Ord. 07-09)

Sec. 6103. Establishment of Limits of Districts in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is Prohibited. The limits referred to in Sections 3404.2.9.5.1 and .406.2.4.4 of the California Fire Code in which the storage of flammable or combustible liquids is restricted are

hereby established as follows: All areas within the city limits of the City of Grover Beach except as provided for within Article IX of the Grover Beach Municipal Code. (Ord. 07-09)

Sec. 6104. Establishment of Limits in Which Storage of Liquefied Petroleum Gases is Prohibited. The limits referred to in Section 3804.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: All areas within the city limits of the City of Grover Beach except as provided for within Article IX of the Grover Beach Municipal Code. (Ord. 07-09)

Sec. 6105. Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited. The limits referred to in Section 3304.1 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: All areas within the city limits of the City of Grover Beach except as provided for within Article IX of the Grover Beach Municipal Code. (Ord. 07-09)

Sec. 6106. Establishment of Limits of Districts in Which the Storage of Compressed Natural Gas is to be Prohibited. The limits referred to in Section 2208 of the California Fire Code in which the storage of compressed natural gas storage is prohibited, are hereby established as follows: All areas within the city limits of the City of Grover Beach except as provided for within Article IX of the Grover Beach Municipal Code. (Ord. 07-09)

Sec. 6107. Establishment of Limits of Districts in Which the Storage of Stationary Tanks of Flammable Cryogenic Fluids is to be Prohibited. The limits referred to in Section 3404.3.1.1. of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows: All areas within the city limits of the City of Grover Beach except as provided for within Article IX of the Grover Beach Municipal Code. (Ord. 07-09, passed 11-5-07)

Sec. 6108. Establishment of Limits of Districts in Which the Storage of Hazardous Materials is to be Prohibited or Limited. The limits referred to in Section 2703.1.1 of the California Fire Code in which the storage of hazardous materials is prohibited or limited are hereby established as follows: All area within the city limits of the City of Grover Beach except as provided for within Article IX of the Grover Beach Municipal Code. (Ord. 07-09)

Sec. 6109. Amendments to the California Fire Code. The California Fire Code, 2007 edition, is amended in the following respects:

(A) Section 202 is amended by adding the following:

“**Security Gate** is any automatically operated mechanism, gate, cable or barrier that prohibits, delays or limits access and passage to any vehicle or equipment on any access way required by this code or the California Building Code (as adopted by the City of Grover Beach). This definition includes mechanical, electrical, hydraulic, pneumatic or other systems that close and/or secure the access roads whether operated by timer, radio, sensor or remote location hardwired control. This definition shall not apply to gates that are constantly attended by a guard or security officer at all times.”

"Self-Service Storage Facility is a structure or facility containing separate, individual, and private storage spaces of varying sizes leased or rented on individual lease for varying periods of time exclusively for storage purposes."

(B) Section 401.5 is amended to read:

"401.5 Security device. No system or device shall be installed in any building or portion of a building which, as a part of its operation discharges any fog, gas, smoke, vapor, liquid, or other product when the design of the system discharge is to obscure the vision of any person, cause disorientation, or incapacitate any person within the building or portion thereof. Nothing in this section is intended to preclude the connection of an alarm system to any fire suppression system."

(C) Section 503.1 is amended to read:

"503.1 Where required. In addition to fire access required by the California Fire Code and Article IX of the Grover Beach Municipal Code, alleys and common driveways are designated fire lanes and shall be maintained in accordance with sections 503.3, 503.2.1, and 503.4 of the California Fire Code.

EXCEPTION: Where common driveways were constructed previous to January 1, 1998, minimum width and height clearances may be modified by the Fire Chief.

EXCEPTION: Where common driveways are no longer than 40 feet."

(D) Section 503.4 is amended to read:

"503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. The Fire Chief and authorized designees shall have the power and authority to remove or cause to be removed, without notice, any vehicle or other obstruction in violation of any portion of Section 503.4 of this Code. The owner of any such vehicle or obstruction removed under this section shall be liable and responsible for all towing, removal, storage and other charges connected therewith, including any additional penalties assigned or adjudged pursuant to citation or arrest as authorized within this Code."

(E) Section 503.6 is amended to read:

"503.6 Security gates. Security gates shall not be installed or maintained that compromise, prevent, or delay access or egress of persons, emergency vehicles or equipment in any required access road except as provided in the following exceptions.

Exceptions:

- (a) Security gates may be permitted on access roads serving one single family residential (R-3 as defined in the CBC) property that is owner occupied.
- (b) Security gates may be installed at entrances to 'self-service' storage facilities where no ongoing human occupancy or presence of the secured structures, equipment or property is occurring. Security gates installed in accordance with this exception shall be provided with an approved emergency key-operated switch that overrides all command functions and opens the gate(s).
- (c) Security gates accessing more than four residences or residential lots shall be automatic and shall also be equipped with approved emergency traffic

control-activating strobe light sensors(s) or other devices approved by the Fire Chief, which will activate the gate on the approach of emergency apparatus. In the event of a power failure, the gate shall be automatically transferred to a fail-safe mode allowing the gate to be pushed open without the use of special knowledge or any equipment. All automatic gates must meet fire department policies deemed necessary by the Fire Chief for rapid, reliable access."

(F) Section 505.1 is amended to read:

"505.1 Address numbers.

- (a) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) in Residential/Commercial zones and a minimum of 12 inches (305 mm) high with a minimum stroke width of 3 inches (76 mm) in Light Manufacturing zones.
- (b) All buildings with access via an alley or other similar roadways shall have the address number provided on the rear door of the building or tenant space. Address numbering / labeling shall comply with 505.1(a)."

(G) Section 506.1 is amended to read:

"Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Chief is authorized to require a KNOX brand key box to be installed in an approved location. The KNOX box shall contain keys to gain necessary access as required by the Fire Chief."

(H) Section 508.5.4 is amended to read:

"508.5.4 Obstructions. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. The minimum clearance space established in Section 508.5.5 shall be maintained at all times. The Fire Chief and authorized designees shall have the power and authority to remove or cause to be removed, without notice, any vehicle or other obstruction in violation of any portion of Section 508.5.4 of this Code. The owner of any such vehicle or obstruction removed under this section shall be liable and responsible for all towing, removal, storage and other charges connected therewith, including any additional penalties assigned or adjudged pursuant to citation or arrest as authorized within this Code."

(I) Section 903 is amended to read:

"903.1 General. Automatic fire-extinguishing system shall be installed in all occupancies and locations as set forth and required within this section.

- (a) In all new buildings, structures, or additions having or creating a total floor area of 1,000 square feet or more, except as provided in section (d). The installation of a fire sprinkler system shall be required for the existing structure (retrofit) and new additions or remodels (new installation) when this section is applicable.
- (b) In all new buildings, structures, or additions that are 35 feet or more in height, measured from the lowest floor surface regardless of the heights or number of floors.
- (c) In all new buildings, structures, or additions three stories or more, as defined by the California Building Code as adopted by the City of Grover Beach.
- (d) In all new residential buildings, structures, or additions where a building permit is required. Remodeling or additions where a building permit is required when the aggregate square footage of the remodeling or additions is an amount equal to 40 percent or greater of the existing square footage. The following multipliers shall be applied when calculating aggregate square footage:
 - (i) Gross Living Area 1.00
 - (ii) Garage, workshops, and other accessory structures 0.25
 - (iii) Porches, patios, gazebos, and similar structures as may be determined by the Fire Chief 0.15

The calculations will be applicable to the combined square footage of all building permits issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure.

- (e) In all new commercial, industrial and multi-family residential buildings, structures, or additions where a building permit is required. Remodeling or additions where a building permit is required when the aggregate square footage of the remodeling or additions is an amount equal to 25 percent or greater of the existing square footage. The following multiplier shall be applied when calculating aggregate square footage:
 - (i) Gross Area of Space 1.00
 - (ii) Open Covered Areas may be exempted as may be determined by the Fire Chief 0.15

The calculations will be applicable to the combined square footage of all building permits issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure."

(J) Section 904.11.4 is amended to read:

“904.11.4 Special provisions for automatic sprinkler systems. Automatic sprinkler systems protecting commercial-type cooking equipment shall be supplied from a separate, readily accessible, indicating-type control valve that is identified.

- (a) All commercial-type cooking equipment using wood or wood products as fuel shall be protected by an automatic sprinkler system within the hood and the duct work. The water supply may be provided from the building's fire sprinkler system, or domestic water supply. The minimum water flow calculation shall be 18 gallons per minute (69 lpm) at 7 psi for each head. There shall be a separate control valve for the fire sprinkler system protecting the commercial-type cooking equipment."

(K) Section 3308.1 is amended to read:

“3308.1 **General.** The manufacturing, possession, storage, sale, use and handling of fireworks is prohibited.

EXCEPTION: Sale and use of "safe and sane" fireworks as permitted by Article III, Chapter 12, Section 3990 of the Grover Beach Municipal Code.

EXCEPTION: The display of fireworks, including proximate audience displays and pyrotechnic special effects in theatrical, and group entertainment productions shall comply with this chapter and Title 19 California Code of Regulations Chapter 6 - Fireworks.

The Fire Chief, and authorized designee(s), have the power and authority to cite, seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks within their possession and/or offered or exposed for sale, stored or held in violation of this chapter.” (Ord. 07-09)

Sec. 6110. Amendments to the International Property Maintenance Code.

The International Property Maintenance Code, 2006 edition, is amended in the following respects:

(A) All references within the Code to the International Code, shall read: California Code.

(B) The following sections are hereby revised:

Section 101.1 **Title.** Insert: The City of Grover Beach

Section 103 **Department of Property Maintenance Inspection** is amended to read "Fire Department - Municipal / Fire and Life Safety Code Enforcement"

Section 103.5 **Fees.** Insert: Grover Beach Master Fee Schedule

Section 302.4 **Weeds.** Insert: Four Inches (4")

Section 304.14 **Insect screens.** Insert: year-round

Section 602.3 **Heat supply.** Insert: year-round

Section 602.4 **Occupiable work space.** Insert: year-round (Ord. 07-09)

Sec. 6111. Recovery of Costs. The City of Grover Beach shall be entitled to recover the cost of emergency services as described in subsections 1 through 5. Service costs shall be computed by the Fire Department under the direction of the City Manager, or designee, and shall include the costs of personnel, equipment, facilities, materials and other external resources.

(A) Any person or corporation who allows a hazard to exist on property under control of that person or corporation, after having been ordered by the Fire Department or other city department to abate that hazard, is liable for the cost of services provided by the Fire Department should an emergency arise as a result of said unabated hazard.

(B) Any person or corporation whose negligence causes an incident to occur on any public or private street, driveway or highway, which, for purposes of life, property or environmental protection, places a service demand on the city fire department resources beyond the scope of routine service delivery, shall be liable for all costs associated with that service demand.

(C) Any person or corporation responsible for property equipped with fire protection or detection devices which, due to malfunction, improper manipulation or negligent operation, cause a needless response by the fire department to the property shall, for a period of twelve months after written notification by fire prevention personnel, be liable for all future costs associated with each subsequent needless response caused by those devices.

(D) Any person or corporation who conducts unlawful activity which results in fire, explosion, chemical release, motor vehicle, boat or vessel, or civil aircraft accident or any other incident which the fire department responds for the purpose of performing services necessary for the protection of life, property or the environment shall be liable for the costs associated with the delivery of those services.

(E) When, in the interest of public safety, the Fire Chief assigns the Fire Department employees as standby personnel at any event, or upon any premises, the person or corporation responsible for the event or premises shall reimburse the Fire Department for all costs associated with the standby services. (Ord. 07-09)

Sec. 6112. Appeals. Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Chapter do not apply or that the true intent and meaning of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Manager within thirty (30) days from the date of the decision appealed. The applicant may appeal from the decision of the City Manager within thirty (30) days from the date of the decision appealed by following the provisions outlined within Section A101 of the 2007 California Fire Code. (Ord. 07-09)

Sec. 6113. New Materials, Processes or Occupancies Which May Require Permits. The City Manager, the Fire Chief and the Building Official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the California Fire Code. The Fire Chief shall post such list in a conspicuous place at the Fire Department and distribute copies thereof to interested parties. (Ord. 07-09)

Sec. 6114. Penalties. Any person who violates any of the provisions of this Chapter is guilty of an infraction unless designated otherwise within Article I, Chapter 2, Section 1202 of the Grover Beach Municipal Code. (Ord. 07-09)

Sec. 6115. Issuance of Citations. Officers and employees within the City of Grover Beach authorized to issue citations are designated within Article I, Chapter 2, Section 1203.2 of the Grover Beach Municipal Code. (Ord. 07-09)

Sec. 6116. Repeal of Conflicting Ordinances. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Chapter or of the California Fire Code, International Fire Code, or International Property Maintenance Code, as adopted and amended herein, are hereby repealed. (Ord. 07-09)

Sec. 6117. Validity. The City Council of the City of Grover Beach hereby declares that should any section, paragraph, sentence or word of this Chapter or of the California Fire Code, the International Fire Code, or the International Property Maintenance Code, as adopted and amended herein, be declared for any reason to be invalid, it is the intent of the City Council of the City of Grover Beach that it would have passed all other portions of this ordinance independent of the elimination here from any such portion as may be declared invalid. (Ord. 07-09)