

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

**FROM: BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR *BB*
MICHAEL HUBERT, FIRE CHIEF, FIVE CITIES FIRE AUTHORITY**

**SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 11-02
INCORPORATING THE 2010 CALIFORNIA FIRE CODES 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 conduct a public hearing and second reading to repeal and replace 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.

DISCUSSION

At the last Council meeting, the City Council introduced and conducted a first reading, by title only, of Ordinance No. 11-02 (reference Attachment 1) which would 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.

Ordinance No. 11-02 has been prepared for second reading, by title only, and adoption. Per the Council's direction at the May 16th meeting, the Ordinance was amended to incorporate language: 1) extending the hours of fireworks sales to conclude by 11:00 p.m. and 2) allowing the discharge of safe and sane fireworks from noon on December 30 through midnight on January 1 (revised language is indicated with highlighted font). Prior to adoption, the Council will need to conduct a public hearing as required by State law for adopting codes by reference.

ALTERNATIVES

The City Council has the following alternatives:

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: June 6, 2011

Agenda Item No. 4

1. Conduct the public hearing, receive public testimony, and conduct the second reading of Ordinance No. 11-02, by title only, and adopt 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; or
2. Provide other direction to staff.

RECOMMENDED ACTION

It is recommended that the City Council conduct the public hearing, receive public testimony, and conduct the second reading of Ordinance No. 11-02, by title only, and adopt 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

FISCAL IMPACT

Adoption of the Ordinance will not have a fiscal impact to the City's General Fund or the Building Enterprise Fund. The cost to administer the Codes is recovered through permit fees. The Code adoption does not amend the City's building or development impact fees.

PUBLIC NOTIFICATION

Legal ads were published in The Tribune on Friday May 20, 2011 and Thursday May 26, 2011 pursuant to GC Sections 5022.3 and 6066. The agenda was posted in accordance with the Brown Act.

ATTACHMENTS

1. Ordinance No. 11-02

ORDINANCE NO. 11-02

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 11:00 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 and noon on the thirtieth of December through midnight on the first of January. 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 June 6, 2011 on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:



JOHN P. SHOALS, MAYOR

ATTEST:

DONNA L. McMAHON, CITY CLERK

APPROVED AS TO FORM:

MARTIN D. KOCZANOWICZ, CITY ATTORNEY