

ORDINANCE NO. XXXX

ORDINANCE NO. XXXX, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 13, CHAPTER 13.20 OF THE FULLERTON MUNICIPAL CODE TO ADOPT THE 2019 EDITION OF THE CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS

THE CITY COUNCIL OF THE CITY OF FULLERTON DOES ORDAIN AS FOLLOWS:

Section 1. That Chapter 13.20 of the Fullerton Municipal Code, Fullerton Fire Code of 2016 is deleted in its entirety and replaced by the following:

Chapter 13.20.

2019 FULLERTON FIRE CODE

SECTIONS:

- 13.20.10 Adoption of the 2019 California Fire Code
- 13.20.20 General, Amended
- 13.20.30 Applicability, Amended
- 13.20.40 Department of Fire Prevention, Amended
- 13.20.50 Permits, Amended
- 13.20.60 Fees, Added
- 13.20.70 Maintenance, Added
- 13.20.80 Board of Appeals, Amended
- 13.20.90 Violations, Amended
- 13.20.100 Stop Work Order, Amended
- 13.20.110 Validity, Added
- 13.20.120 Definitions, Added
- 13.20.130 Open Burning, Recreational Fires, and Portable Outdoor Fireplaces, Added
- 13.20.140 Christmas Tree Sales, Added
- 13.20.150 Fire Apparatus Access Roads, Amended
- 13.20.160 Premises Identification, Amended
- 13.20.170 Key Boxes, Amended
- 13.20.180 Fire Protection Water Supplies, Amended
- 13.20.190 Emergency Responder Radio Coverage, Amended
- 13.20.200 Fire Protection Systems, Amended
- 13.20.210 Construction Requirements for Existing Buildings, Amended
- 13.20.220 Defensible Space, Amended
- 13.20.230 Fuel Modification requirements in protected areas, Added
- 13.20.240 Explosives and Fireworks General, Added
- 13.20.250 Fireworks Display, Added
- 13.20.260 Appendix D, Amended

13.20.10 ADOPTION OF THE 2019 CALIFORNIA FIRE CODE LOCAL FULLERTON AMENDMENTS

Pursuant to the provisions of Section 50022.1 to 50022.8, inclusive, of the Government Code of the State of California, the City Council of the City of Fullerton does hereby adopt, by reference, the 2019 Edition of the California Fire Code, incorporating by reference the 2018 International Fire Code with California Amendments, as codified within Part 9, Title 24 of the California Code of Regulations, also known as the California Building Standards Code, as amended by this Chapter, including Appendix Chapter 4, and Appendices B, BB, C, CC, D, E, F, G, I, K, M, N and O, but specifically excluding Appendices A, H, J and L, as amended, and the whole thereof, save and except such portions as are hereinafter deleted or amended by this chapter. One copy of this Code has been and is now filed in the office of the City Clerk of the City of Fullerton and the same is hereby adopted and incorporated as if fully set out at length herein, and from the date on which this ordinance shall take effect, which is January 1, 2020, the provisions thereof shall be controlling within the limits of the City of Fullerton.

13.20.20 SECTION 101 GENERAL

Section 101.1 Title. (Amended)

These regulations shall be known as the 2019 Fullerton Fire Code, hereinafter referred to in this chapter as “this code.”

13.20.30 SECTION 102 APPLICABILITY

Section 102.10 Conflicting Provisions. (Amended)

Where there is a conflict between a general requirement and a specific requirement, the fire code official shall decide which requirement meets the general intent of this code.

13.20.40 SECTION 103 DEPARTMENT OF FIRE PREVENTION

Section 103.3 Deputies. (Amended)

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees. When requested by the fire code official, the Chief of Police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

13.20.50 SECTION 105 PERMITS

Section 105.6 Required Operational Permits. (Amended)

The fire code official is authorized to issue operational permits for the operations set forth in Appendix Chapter 1, Sections 105.6.1 through 105.6.59.

Subsection 105.6.5 Cellulose Nitrate Film. (Amended)

An operational permit is required to store, handle or use cellulose nitrate film.

Subsection 105.6.52 Aircraft Refueling Vehicles. (Added)

A permit is required to operate an aircraft refueling vehicle.

Subsection 105.6.53 Christmas Tree Lot. (Added)

A permit is required to operate a Christmas tree lot in the City of Fullerton.

Subsection 105.6.54 Fire Clearance, New Business. (Added)

A fire clearance inspection is required to open or to change ownership of a Fullerton business.

Subsection 105.6.55 Fire Clearance Required by State or Other Governmental Agencies. (Added)

Classifications:

- A. Convalescent, Nursing Homes, Assisted Living
- B. Child Day Care Facilities – less than 26 persons
- C. Child Day Care Facilities – 26 or more persons
- D. Hospitals, less than 100 beds
- E. Hospitals, 100 beds or more
- F. Sanitariums
- G. Schools (private)
- H. Residential Care Facilities, less than 26 persons
- I. Residential Care Facilities, 26 or more persons
- J. Residential Care Facilities, more than 6 non-ambulatory persons

Subsection 105.6.56 Fireworks Stand (Added)

A permit is required to operate a fireworks stand in the City of Fullerton.

Subsection 105.6.57 Fireworks Display (Added)

A permit is required to conduct a public or private fireworks display in the City of Fullerton.

Subsection 105.6.58 General Use. (Added)

A General Use Permit shall be required for any activity or operation not specifically described in this section, which in the judgment of the fire code official is likely to produce conditions hazardous to life or property.

Subsection 105.6.59 Mobile Fueling Operations. (Added)

A permit is required to operate mobile fueling operations.

Subsection 105.7 Required Construction Permits. (Amended)

The fire code official is authorized to issue construction permits for work as set forth in Section 105.7.1 through 105.7.26.

Subsection 105.7.26 Misc. Plan Check (Added)

Request or submittal of any type of plan or necessary review of documents pertaining to operations that are covered by the Fire Department or this Code, but are not specifically listed in Chapter 1.

13.20.60 SECTION 106 FEES

Subsection 106.6 Permit Fees. (Added)

For each and every permit issued pursuant to this code, there shall be paid to the City of Fullerton Fire Department a fee in such amount as established by resolution of the Fullerton City Council. Failure to pay such fees shall be cause for revocation of the permit.

13.20.70 SECTION 108 MAINTENANCE

Section 108.7 Occupant Count. (Added)

The supervisor of each place of assembly shall have an effective system to maintain a count of the number of occupants present in order to keep the number at or below the allowable occupant load. If the fire code official determines at any time that an accurate count of occupants is not being maintained, the occupancy shall be cleared to obtain an accurate count.

13.20.80 SECTION 109 BOARD OF APPEALS

Section 109.1 Board of Appeals Established. (Amended)

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 shall be and is hereby created a board of appeals. The board of appeals shall be the planning

commission reconvened as the board of appeals. The board in conducting its business shall follow the appeals procedures articulated in Chapter 6.01 of the Fullerton Municipal Code. As to appeals pursuant to this Section, “director of community development” shall be replaced by “fire official” throughout the applicable sections of Chapter 6.01.

Subsection 109.3 Qualifications. (Added)

The board of appeals noted in section 109.1 shall consult and gather information from a qualified person(s) with the experience and training to consult and testify on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems.

13.20.90 SECTION 110 VIOLATIONS

Section 110.4 Violation Penalties. (Amended)

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 guilty of a misdemeanor, punishable by a fine of not more than 1000 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

13.20.100 SECTION 112 STOP WORK ORDER

Section 112.4 Failure to Comply. (Amended)

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 in violation of this Code and be subject to citations and/or penalties in amounts as determined by the City Council.

13.20.110 SECTION 114 VALIDITY (Added)

Section 114.1 Validity. (Added)

The Fullerton City Council hereby declares that should any section, paragraph, sentence or word of this chapter or of the California Fire Code as adopted and amended herein be declared for any reason to be invalid, it is the intent of the Fullerton City Council that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

13.20.120 Chapter 2, DEFINITIONS is hereby amended as follows:

“FIRE HAZARD” (Added)

Anything or act which increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

13.20.130 SECTION 307 OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES

Subsection 307.6 (Added)

307.6 Outdoor Fires in the Fuel Modification Areas.

Outdoor, open or recreational fires using wood or other solid fuel shall not be built, ignited or maintained in the fuel modification area.

Exception:

1. Occupied one and two-family dwellings where such fires are built in a permanent or portable barbeque, gas outdoor fireplace, or gas grill and are a minimum of 30 feet (9144mm) from a grass, grain, brush, or forest-covered area. Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash, or combustible waste material.
2. Fires at official organized campsites or parks when located in permanent or portable barbecue or grill, incinerator, or outdoor fireplace (all equipped with some type of spark arrester) located at least 30 feet from combustible vegetation.

Subsection 307.6.1 (Added)

307.6.1 Outdoor Fires.

Outdoor, open burning and recreational fires shall not be built, ignited or maintained when the following conditions exist:

1. Predicted sustained winds exceed 8 MPH at the ground level, or a red flag condition has been declared.
2. A person age 18 or over is not present at all times to watch and tend such fire.
3. A public announcement is made that open burning is prohibited.
4. A viable water source or approved means of extinguishment is not immediately available.

Exception:

1. Occupied one and two-family dwellings where such fires are built in a permanent or portable barbeque, outdoor fireplace, or grill and are a minimum of 15 feet (9144mm) from any combustible material or structure. Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash, or combustible waste material.
2. Fires at official organized campsites or parks when located in permanent or portable barbecue or grill, incinerator, or outdoor fireplace (all equipped with some type of spark arrester) located at least 30 feet from combustible vegetation.

13.20.140 SECTION 321 CHRISTMAS TREE SALES (Added)

Section 321.1 Christmas Tree Sales. (Added)

No person shall sell, display for sale, or store for sale in the City of Fullerton, any cut Christmas tree, unless a permit therefore has been obtained from the Fire Department.

Subsection 321.1.1 Permit – When issued. (Added)

Permits to sell, display for sale, or store for sale cut Christmas trees in the City of Fullerton may only be issued for the period from November 5 to December 31. The applicant must show that the proposed location and method of any activity will not constitute a fire hazard or violation of law.

Subsection 321.1.2 Cleanup Deposit. (Added)

Each applicant shall make a cleanup guarantee deposit of \$250.00 with the City of Fullerton. The applicant must agree that not later than the tenth day of January following the issuance of such permit, all unsold trees, combustible waste and accumulation of sawdust will be removed from the permitted location and disposed of properly. Following the tenth day of January the city may remove and dispose of accumulations and apply the deposit to costs, including overhead expenses, incurred by such removal.

Subsection 321.1.3 Return of Deposit. (Added)

The Fire Marshal will inspect sites as soon as possible after January 10 of each year. Permittees who have completed the site cleanup will receive a rebate of the cleanup guarantee deposit.

Subsection 321.1.4 Liability. (Added)

Each permittee shall provide general liability insurance in the amount of \$100,000 for each person and \$300,000 for each occurrence against any claim for any damages caused in any manner from the use of such lot or the keeping or sale of any Christmas

trees therein. A certificate of such insurance shall be filed with the Fire Marshal showing the city as a named insured hereunder.

13.20.150 SECTION 503 FIRE APPARATUS ACCESS ROADS

Subsection 503.1 Where Required. (Amended)

Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D, as amended.

13.20.160 SECTION 505 PREMISES IDENTIFICATION

Subsection 505.1 Address Numbers. (Amended)

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. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be in accordance with Fullerton Fire Department Standard No. 7 Premise Identification. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. All Address identification shall be assigned and/or approved by the City of Fullerton Public Works - Engineering Department.

13.20.170 SECTION 506 KEY BOXES

Subsection 506.1 Where Required. (Amended)

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for emergency or non-emergency response purposes, the fire code official is authorized to require a key box, lock or key switch to be installed in an accessible location. The key box, switch, or lock shall be of an approved type listed in accordance with UL 1037, and all key boxes shall contain keys to gain necessary access as required by the fire code official.

13.20.180 SECTION 507 FIRE PROTECTION WATER SUPPLIES

Subsection 507.5.1 Where Required. (Amended)

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than allowed in Appendix C from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Subsection 507.5.1.1 Hydrant for standpipe systems. (Amended)

Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 50 feet of the fire department connections unless approved by the fire code official.

13.20.190 SECTION 510 EMERGENCY RESPONDER RADIO COVERAGE

Section 510.1 Emergency responder radio coverage in new buildings. (Amended)

All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. The Emergency responder radio coverage system shall comply with the following Fullerton Fire Department guidance document:

Information for Digital Antenna System (DAS)/ Bi-Directional Amplification (BDA) Systems

Exceptions:

1. Where it is determined by the fire code official that the radio coverage system is not needed.
2. In facilities where emergency responder radio coverage is required and such systems, components or equipment could have a negative impact on normal operations of the facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.

13.20.200 CHAPTER 9 FIRE PROTECTION SYSTEMS AMENDMENTS

Subsection 903.2.8.2 Existing Group R buildings (Amended)

An automatic residential fire sprinkler system shall be installed when alterations to an existing building within a two year period removes floor area or roof area assemblies of more than 50 percent of the existing building.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system and that do not include alterations within any two year period involving the removal of floor area or roof area assemblies of more than 50 percent of the total existing floor area of the building.

Subsection 903.2.8.2.1 Existing Group R buildings in Wildland-Urban Interface Fire Areas. (Added)

An automatic residential fire sprinkler system shall be installed when alterations to an existing building within a two year period removes floor area or roof area assemblies of more than 33 percent of the existing building.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system and that do not include alterations within any two year period involving the removal of floor area or roof area assemblies of more than 33 percent of the total existing floor area of the building.

Subsection 903.3.1.3.1 NFPA 13D sprinkler systems alarms (Added)

The homeowner shall have the choice of installing a local exterior waterflow alarm or provide interconnection of the interior smoke detectors to the waterflow switch.

13.20.210 Chapter 11, CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS is hereby amended as follows:

Adopt only those sections and subsections below:

1101.1, 1103.1-1103.3, 1103.7, 1103.7.3.1, 1103.7.8-1103.7.8.2, 1103.7.9-1103.7.9.10, 1103.8-1103.8.5.3, 1107, 1113, 1114, 1115, and 1116.

Section 1103.2 Emergency Responder Radio Coverage in Existing Buildings (Amended):

Existing buildings other than Group R-3 that do not have approved radio coverage for emergency responders within the building, based on existing coverage levels of the public safety communications systems, shall be equipped with such coverage according to one of the follow:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with Section 510.1, Exception 1.
2. Within a time frame established by the adopting authority.
3. The Emergency responder radio coverage system shall comply with the following Fullerton Fire Department guidance document:

Information for Digital Antenna System (DAS)/ Bi-Directional Amplification (BDA) Systems

Exception: Where it is determined by the fire code official that the radio coverage is not needed.

13.20.220 SECTION 4907 DEFENSIBLE SPACE hereby shall be amended as follows:

Section 4907.2 Brush Clearance in Protection Areas. (Added)

If Identified, each person or entity who owns, leases, controls, operates, or maintains any parcel of land within or adjacent to the protection area (as defined) shall comply with the Fullerton Fire Department Standard "Brush Clearance on all Existing Properties Located Within the Protection Area."

Section 4907.3 Clearance of Brush and Vegetation from Roadways. (Added)

The fire code official is authorized to require areas within 10' of each side of any portion of a roadway, highway or private street which are improved, designed or ordinarily used for vehicular traffic to be cleared of vegetation and other combustible growth. The fire code official is authorized to enter upon private property to do so.

Exception: Single specimen trees, ornamental shrubs or cultivated and irrigated ground cover such as grass, ivy, succulents, or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire.

13.20.230 Section 4908 Fuel Modification requirements in protected areas (Added)

All new construction within the high or very high fire severity zones, as identified by the California State Fire Marshal, shall comply with the following:

1. The fuel modification plans shall comply with Fullerton Fire Department Standard Fullerton Very High Fire Hazard Severity Zone Requirements – Technical Design for New Construction Fuel Modification Plans and Maintenance Program.
2. Preliminary fuel modification plans shall be submitted to and approved by the fire code official concurrent with the submittal for approval of any tentative map(s).
3. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval by the fire code official.
5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

13.20.240 SECTION 5601 EXPLOSIVES AND FIREWORKS GENERAL

Section 5601.1.3.1 Seizure of Fireworks. (Added)

The fire code official shall have the authority to seize, take and remove all fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Chapter 6 of Title 19 of the California Code of Regulations. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory constitutional and decisional law.

Section 5601.1.3.2 Explosives and blasting. (Added)

Explosives, including Safe and Sane Fireworks, shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas or hazardous fire areas.

13.20.250 SECTION 5608 FIREWORKS DISPLAY

Section 5608.2 Firing. (Added)

All fireworks displays shall be electrically fired.

13.20.260 APPENDIX D FIRE APPARATUS ACCESS ROADS

D103 MINIMUM SPECIFICATIONS

D103.3 Turning Radius. (Amended)

The minimum turning radius shall be 28 feet inside/48 feet outside or as determined by the fire code official.

SECTION 2. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses may be declared unconstitutional.

SECTION 3. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be posted in the manner required by law. This ordinance shall become effective thirty days from and after its passage.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2019.

Jesus J. Silva, Mayor

ATTEST:

Lucinda Williams, City Clerk

Date _____