

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CHINO VALLEY INDEPENDENT FIRE DISTRICT, ADOPTING BY REFERENCE AND AMENDING THE 2022 EDITION OF THE CALIFORNIA FIRE CODE WITH ERRATA, AND THE 2021 INTERNATIONAL FIRE CODE REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS, HAZARDOUS MATERIALS AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING FIRE CODE ORDINANCE NO. 2019-01 OF THE CHINO VALLEY INDEPENDENT FIRE DISTRICT.

WHEREAS, pursuant to California Government Code Section 50022.1 *et seq.* and California Health and Safety Code Section 13869 *et seq.*, the Chino Valley Independent Fire District may adopt by reference the 2022 *California Fire Code*, with errata, and portions of the 2021 *International Fire Code* related to fire and hazardous condition prevention; and

WHEREAS, the District may also adopt any amendments to the 2022 *California Fire Code* and 2021 *International Fire Code* previously adopted by reference; and

WHEREAS, the District held a public hearing on October 12, 2022 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the 2022 *California Fire Code* as amended herein; and

WHEREAS, the District published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on September 24, 2022, and October 1, 2022; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

NOW, THEREFORE, be it ordained by the Board of Directors of the Chino Valley Independent Fire District as follows:

Section 1. ADOPTION OF THE CALIFORNIA FIRE CODE.

The *California Fire Code*, 2022 Edition, with errata, together with those portions of the 2021 *International Fire Code* as published by the International Code Council, including Chapter 1 (except Section 103 of Part 2), Section 104.6, Sections 302, 305, 307 – 307.4.5, 308 – 308.1.3, 308.1.5 - 308.3.2, 309, 310, 311, Chapter 4, Chapter 11, Appendix Chapters 4, B, Section C103.1 of Appendix C, F, G, H, I, K, N and O, not included in the 2022 *California Fire Code*, collectively referred to as the "Fire Code," and the additions, insertions, deletions, and changes prescribed in Section 3 of this ordinance, are hereby adopted and declared to be the Fire Code of the District, in the County of San Bernardino, State of California, regulating and governing the safeguarding of life and property from fire and explosion hazards, hazardous conditions arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Clerk of

the Board of Directors of the District are hereby referred to, adopted, and made part hereof, as if fully set out in this Ordinance.

Section 2. DEFINITIONS AND FEES.

1.1 Definitions.

1.1.1 The term "jurisdiction," as used in the 2022 California Fire Code, shall mean the territory within the Chino Valley Independent Fire District.

1.1.2 The term "fire department" and "District" as used in the 2022 California Fire Code shall mean the Chino Valley Independent Fire District.

1.1.3 The term "Board of Directors" or "Board" as used in the 2022 California Fire Code shall mean the governing body of the Chino Valley Independent Fire District. The "governing body" shall mean the Board of Directors of the Chino Valley Independent Fire District.

1.1.4 The term "Chief" as used in the 2022 California Fire Code shall mean the Fire Chief of the Chino Valley Independent Fire District.

1.1.5 The term "fire code official" as used in the 2022 California Fire Code shall mean the Fire Marshal and/or Deputy or employee charged with the enforcement of this code with Chino Valley Independent Fire District.

1.1.6 The term "fire prevention" as used in the 2022 California Fire Code shall mean the Division, Department or Office of Community Risk Reduction of Chino Valley Independent Fire District.

1.2 Fees.

1.2.1 Reasonable fees, not to exceed actual costs, may be collected by the fire code official for fire protection planning and services included in the Fire Code and in this Ordinance.

1.2.2 Fire Suppression, investigation, rescue, and emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009, 13009.1, and 13009.6. Any person who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to a traffic accident or spill of toxic or flammable liquids or chemicals, is liable for the costs of securing such emergency, including those costs set out in Government Code Section 53150 et seq. Any expense incurred by the District for securing such an emergency situation shall constitute a public debt of such person and shall be collectible by the District in the same manner as in the case of an obligation under contract, expressed or implied.

Section 3. LOCAL AMENDMENTS TO THE FIRE CODE.

The following sections of the Fire Code are hereby locally amended as follows:

Chapter 1, Division II, Scope and Administration Part I General Provisions, Section 101.1 shall be changed to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of *Chino Valley Independent Fire District (CVIFD)*, hereinafter referred to as "this code".

Chapter 1, Division II Scope and Administration, Part I General Provisions, Section 102.7.1 shall be changed to read as follows:

102.7.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, *the fire code official shall determine which provision meets the general intent of this code.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 104.6 shall be changed to read as follows:

104.6 Official Records. The *jurisdiction* shall keep official records as outlined by Sections 104.6.1 through 104.6.4. Such official records shall be retained for *3 years or as otherwise stipulated in the District's records retention policy.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 104.11 shall be changed to read as follows:

104.11 Fire Investigations. The *District* shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition, *including but not limited to the unauthorized release of hazardous materials. If it appears to the investigation unit that such fire, explosion or other hazardous condition is of suspicious origin, they are authorized to take immediate charge of all physical evidence relating to the cause of the incident and are authorized to pursue the investigation to its conclusion.* Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 105.1 shall be changed to read as follows:

105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.6.25.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 105.1.1 shall be changed to read as follows:

105.1.1 Permits required. A property owner or owner's authorized agent who intends to conduct an operation of business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed *that would enlarge, alter, change the use or occupancy of a building or structure*, shall first make application to the fire code official and obtain the required permits.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 105.2.3 shall be changed to read as follows:

105.2.3 Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless a permit *has been issued for said application*; except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each *and the Fire District may charge an extension fee as outlined in the adopted fee schedule.* The extension shall be requested in writing and justifiable cause demonstrated.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement,
Section 105.3.1 shall be changed to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of *12 months* after the time the work is commenced. Before such work recommences, *approval shall be granted* and the fee to recommence work, if any, shall be *that as adopted in the fee schedule*, provided that changes have not been made and will not be made in the original construction documents for such work. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require a new permit be issued.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement,
Section 105.4 shall be changed to read as follows:

105.4. Revocation. The fire code official is authorized to revoke a permit issued under the provision of this code where it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permits is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.
8. *The permit was issued without full compliance of the terms of the application related to fees or a check or credit/debit card submitted for payment of the permit fee(s) is returned or declined.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement,
Section 105.5.31 shall be changed to read as follows:

105.5.31 Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, combustible pallets, rubber tires, rubber, cork, *green waste, composting, yard waste*, or similar combustible material.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement,
Section 105.5.54 shall be changed to read as follows:

105.5.54 Additional permits. In addition to the permits required by *Section 105.5 and Section 105.6*, the following permits shall be obtained from the *fire code official* prior to engaging in the following activities, operations, practices or functions:

1. Production facilities. To change use or occupancy, or allow the attendance of live audience, or for wrap parties.
2. *Filming and special effects.* To use special effects, open flame, use of flammable or combustible liquids and gases, welding and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production *or for any film permit application as required from the cities served by the District.*
3. Live audiences. To install seating arrangements for live audiences *for the purpose of film, other events or entertainment, where approved seating will increase the occupant load at the premise, building or production location.* See Chapter 48.
4. *Fixed Extinguishing Systems.* An operational permit is required for a fixed extinguishing system for a Type I Hood, excluding mobile food trucks
5. *General use permit.* A general use permit for any activity or operation not specifically addressed in this Chapter, which in the judgement of the fire code official, is possible or likely to produce conditions hazardous to life or property. A general use permit may include the temporary use of a facility for business or operations or for helicopter operations.
6. *Special event.* A special event permit is required when in the judgement of the fire code official the event is possible or likely to produce conditions hazardous to life or property.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 105.6 shall be changed to read as follows:

105.6 Required construction permits. The fire code official is authorized to issue construction permits for work *including, but not limited to, the requirements* as set forth in Chapter 1, Sections 105.6.1 through 105.6.25. *Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy or use of a building or structure or premise or to cause any such work to be done shall make application to the District and obtain the required permit.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 105.6.18 shall be changed to read as follows:

105.6.18 Private Fire Hydrants and Related Equipment. A construction permit is required for the installation or modification of private fire hydrants *and related on-site water appliances.* Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 105, Section 105.6.25 shall be added to read as follows:

105.6.25 Additional construction permits. *In addition to the permits required by Section 105.6, the following construction permits shall be obtained from the fire code official:*

1. *Construction.* A new construction or tenant improvement permit is required to be obtained in order to construct, enlarge, alter, repair, move, or change the occupancy or use of a building or structure or premise or to cause any new such work to be done.
2. *Special equipment.* A construction permit shall be obtained for the installation or modification of special equipment needed or required for the operations outlined in this code, such special equipment includes but is not limited to pick-modules and dust

collection systems.

3. *Generator. A construction permit is required for the installation of a generator as regulated by this code.*

Exception: A permit is not required for the installation or use of a portable generator.

4. *Fuel modification. To install or alter landscaping related to designated or required fuel modification areas.*
5. *Plan checks and field inspections when required by the fire code official and not otherwise addressed in this chapter.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 106, Section 106.1 shall be changed to read as follows:

106.1 Submittals. Construction documents and supporting data shall be submitted *for a permit* and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.

Exception: The fire code official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 106, Section 106.4 shall be changed to read as follows:

106.4 Retention of construction documents. *The jurisdiction shall keep approved construction documents as stipulated in the District's records retention policy. One set of approved construction documents shall be returned to the applicant or contractor performing said work, and said set along with issued permit shall be kept on the site of the building or work area at all times during which the work authorized thereby is in progress.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 107, Section 107.5 shall be changed to read as follows:

107.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees *or penalties* that are prescribed by law *or adopted in the jurisdiction's fee schedule.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 107, Section 107.7 shall be added to read as follows:

107.7 False alarms or nuisance alarms. The fire code official is authorized to assess a service charge, as set forth by resolution, against the person owning or responsible for an alarm system when a fire department response occurs as a result of the third false alarm or nuisance alarm at the same address or location within any twelve month period, and for each subsequent false alarm or nuisance alarm thereafter, or against any person who intentionally, or in violation of the law reports, or causes to be reported, a false alarm or nuisance alarm to any department of the District.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement,
Section 111.1 shall be changed to read as follows:

111.1 Board of appeals established.

In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be *selected* by the *Fire Chief* and shall hold office as its pleasure. *The fire code official shall be an ex officio member of said board but shall not have a vote on any matter before the board.* The board shall *adhere to the rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement,
Section 111.3 shall be changed to read as follows:

111.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, fire protection systems or *building standards*, and are not employees of the *District*.

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement,
Section 111.5 shall be added to read as follows:

111.5 Appeals procedure. *The applicant may file an appeal with the Fire District's Clerk of the Board within thirty (30) days of a final order, decision or determination made by the fire code official relative to the application and interpretation of this code. Upon receipt of an appeal, the Clerk of the Board shall fix the time and place of the hearing, which shall be at a District meeting facility not more than sixty (60) days after the date of the appeal. The Clerk of the Board shall give written notice of the time and place of the hearing to the initiating party, the Fire Chief, the fire code official and the Appeals Board. The Appeals Board shall keep a record of the proceedings of each hearing. The Appeals Board shall issue written findings and a decision within fifteen (15) days of the conclusion of the hearing which shall be mailed to the parties' first-class mail, postage prepaid, at such address as they have provided.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement,
Section 111.6 shall be added to read as follows:

111.6 Fees. *The fire code official and staff shall act as staff to the Appeals Board and for that purpose may determine and set fees to charge the appellant to cover the cost of preparation of the record for appeal.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement,
Section 112.4 shall be changed to read as follows:

112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or *who shall fail to obtain approval by the fire code official for the commencement of construction, alteration, or repair* 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 1,000 dollars or by imprisonment not

exceeding six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. *In addition to, or in place of, the foregoing penalties, administrative penalties pursuant to the District's Administrative Citation Ordinance may be imposed in connection with any violation of this code or any District Ordinance. Any person violating or who has violated any section of this code or District Ordinance may be issued an administrative citation in accordance with the Administrative Citation Ordinance.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 113.4 shall be changed to read as follows:

113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to *violation penalties as specified in Section 112.4. Each day that the work continues in violation of a stop work order shall be deemed a separate offense.*

Chapter 1, Division II Scope and Administration, Part 2 Administration and Enforcement, Section 114.1 shall be changed to read as follows:

114.1 General. If during the inspection *or investigation* of a premises, structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the building official for any repairs, alterations, remodeling, removing or demolition required.

Chapter 3 General Requirements, Section 307.1 and 307.1.1 shall be changed to read as follows:

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning *or recreational fires* unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

307.1.1 Prohibited open burning. Opening burning *and recreational fires* shall be prohibited when atmospheric conditions or local circumstances make such fire hazardous. *This shall include when a red-flag warning or a fire weather watch condition has been issued by the National Weather Service.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 8, 9, 10, 11)

Chapter 3 General Requirements, Section 307.3 shall be changed to read as follows:

307.3 Extinguishment authority. Where open burning, *recreational fires, or the use of a portable outdoor fireplace* creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of *said operation or use.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 8, 9, 10, 11)

Chapter 3 General Requirements, Section 313.1.2 and 313.1.2.1 shall be added to read as follows:

313.1.2 Use of equipment. *Except as otherwise provided in this section, no person shall use, operate, or cause to be operated, in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrestor as defined in Section 313.1.2.1 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.*

Exception: 1). Engines used to provide motor power trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section of the exhaust system is equipped with a muffler as defined in the California Vehicle Code.

2). Turbocharged engines are not subject to this section of all exhausted gases pass through the rotating turbine wheel, there is not exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition.

313.1.2.1 Spark arrestors. *1). A spark arrestor is a device constructed of nonflammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch (0.58 mm) in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.*

2). Spark arrestors affixed to the exhaust system of engines or vehicles subject to Section 313 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 8, 9, 10, 11)

Chapter 5 Fire Service Features, Section 503.1.2.1 shall be added to read as follows:

503.1.2.1 Remoteness. *Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 6, 7, 8, 9, 11)

Chapter 5 Fire Service Features, Section 503.1.2.2 shall be added to read as follows:

503.1.4 Aerial Access. *Buildings exceeding three stories in height or 30 feet in height shall be provided with aerial fire apparatus access. One or more of the required access routes shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building. The access width shall be a minimum of 26 feet (7925 mm) and shall be clear of any obstructions, including overhead utility and powerlines. The side of the building on which the aerial access fire apparatus road is positioned shall be approved by the fire code official.*

(See **Section 10. Findings.** 4, 5, 6, 8, 9, 11)

Chapter 5 Fire Service Features, Section 503.2.1 shall be changed to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 26 feet (7925 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 6, 8, 9, 11)

Chapter 5 Fire Service Features, Section 503.2.3 shall be changed to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads (67,000 lbs.) of fire apparatus and shall be surfaced *by either asphalt or concrete, except when alternate surfaces are approved by the jurisdiction.*

(See **Section 10. Findings.** 1, 2, 4, 5, 6, 11)

Chapter 5 Fire Service Features, Section 504.5 shall be added to read as follows:

504.5 Door signage. *When required by the fire code official, interior and exterior doors shall be provided with permanent signs to facilitate fire department emergency access. Signage shall be approved by the fire code official.*

(See **Section 10. Findings.** 3, 4, 6, 7, 9)

Chapter 5 Fire Service Features, Section 505.1 shall be changed to read as follows:

505.1 Address Identification. New and existing buildings shall have approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a *minimum* of 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm) *for one- and two-family residential dwellings, and shall be illuminated during hours of darkness. Each character shall be a minimum of 8 inches (204 mm) high with a minimum stroke width of 1.0 inch (25.5 mm) for buildings other than one- and two-family residential dwellings.* Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building *and or address identification* cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

(See **Section 10. Findings.** 3, 4, 6, 7, 9)

Chapter 9 Fire Protection and Life Safety Systems, Section 901.6 shall be changed to read as follows:

901.6 Inspection, testing and maintenance. Fire protection and life safety systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection and life safety systems and equipment shall be inspected,

test and maintained or removed in accordance with Section 901.8. *The fire code official is authorized to require periodic inspection, testing and certification of all such systems, equipment and appurtenances. Personnel shall be qualified to perform the inspection, testing, and certification in accordance with Table 901.6. In addition to provisions of the applicable test standards, the required certification shall be provided to the Fire District as required by Section 109.3 of the fire code.*

Table 901.6 shall be added as follows:

Fire Protection and Life Safety Systems		TESTER QUALIFICATIONS (a)	REQUIRED MINIMUM TESTING FREQUENCIES (b)				FREQUENCY TO SUBMIT REPORTS TO FIRE DISTRICT. (c)
			Semi-annual	Annual	Triennial	Every 5 years	
ENGINEERED FIXED EXTINGUISHING SYSTEM							
Dry Chemical System		1, 5	X				Annually
Carbon Dioxide System		1, 5		X			Annually
Halogenated System		1, 5	X				Annually
Clean Agent System		1, 5		X			Annually
Wet Chemical Extinguishing System		1, 5	X				Annually
STANDPIPE SYSTEMS		1, 5		X		X	Annually
AUTOMATIC FIRE SPRINKLER SYSTEMS		1, 5		X		X	Annually
FIRE PUMPS		1, 5		X			Annually
FIRE ALARM SYSTEMS, MONITORING SYSTEMS		8	Frequency ranges from quarterly to annually depending upon equipment; see NFPA 72				Annually
MISCELLANEOUS							
Commercial Cooking Equipment	Fire Protection Systems	1, 5	X				Annually
	Duct Cleaning		Frequency ranges from 1 month to 12 months; see NFPA 96				Not required
Private Fire Hydrants		1, 9		X			Annually
Single Station Smoke Alarms		2, 6		X			Annually
Fire Extinguishers		5		X			Annually
Smoke Control System	Dedicated	3	X				Annually
	Non-Dedicated	4		X			Annually
Emergency and Standby Power Systems		2		X			Annually
Electrical Buss Ducts	Torque and Electrical Testing	2			X		Triennially
	Infrared Testing	2		X			Annually
Fire Doors and Shutters		4, 7		X			Annually
Fire Escapes		7		X			Annually
Emergency Responder Radio Coverage Systems		10		X			Annually

Footnotes:

- a. Other concerns or individuals may be qualified to test and certify subject to approval of the fire code official.*
- b. The testing frequencies listed herein are intended as a convenient summary based on the applicable standards. The applicable standards shall always govern if there is any conflict. It is important to note that many standards mandate inspections on more frequent bases than shown herein. It is not the intent to supersede, modify, or reduce the requirements found in the applicable standards.*
- c. Reports of tests and certifications need not be submitted to the Fire District more frequently than annually, unless specifically requested by the fire code official.*

- 1. State Licensed Fire Protection Contractor (C-16)
- 2. State Licensed Electrical Contractor (C-10)
- 3. State Licensed HVAC Contractor (C-20)
- 4. May be performed by Owner
- 5. Licensed by the State Fire Marshal
- 6. 25 or less units, qualified owner may perform test
- 7. State Licensed General Contractor (A or B); see also footnote (a)
- 8. State Licensed Electrical Contractor (C-10) and, for systems installed after 1989, holding the U.L. Certificate (or approved equal) for the building fire alarm system
- 9. State Licensed Plumbing Contractor (C-36)
- 10. FCC-issued General Radio Operators License (GROL) and certification by an approved school, organization, or the equipment manufacturer

Chapter 9 Fire Protection and Life Safety Systems, Section 903.2 shall be changed to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12 and Sections 903.2.14 through 903.2.21.

In addition to the requirements of the aforementioned sections, automatic fire sprinklers are required for the construction of any new building(s) and structure(s) 5,000 square feet (464 m²) or more, regardless of the use of fire walls and occupancy type, except for Group U occupancies not required by Section 903.2.18.

In all existing buildings or structures, except one and two-family dwellings, not equipped with an automatic fire sprinkler system, when additions cause the structure to exceed 5,000 square feet, the following provisions shall apply:

- A. *When such addition exceeds 5,000 square feet (464 m²), but is less than 50% of the original building square footage, the addition shall be equipped with an automatic fire sprinkler system.*
- B. *When such addition is 50% or greater than the original building square footage, the entire structure shall be equipped with an automatic fire sprinkler system.*

(See **Section 10. Findings**. 3, 4, 6, 7, 10, 11)

Chapter 49 Requirements for Wildland-Urban Interface Areas, Section 4903.1 shall be changed to read as follows:

4903.1 General. *All new buildings or developments to be built or installed in a wildland-urban interface area as set forth in Chapter 49 are required to prepare and submit a fire protection plan to determine the acceptability of fire protection and life safety measures designed to mitigate wildfire hazards presented for the property under consideration.*

The fire protection plan shall be prepared by a registered design professional, qualified landscape architect, qualified fire safety specialist or similar specialist acceptable to the fire code official and shall analyze the wildfire risk of the building, project, premises or region to recommend necessary changes.

A preliminary fire protection *shall be submitted to the Fire District for review* prior to the submission of the final fire protection plan.

(See Section 10. Findings. 1, 2, 3, 4, 5, 8, 9, 10, 11)

Chapter 49 Requirements for Wildland-Urban Interface Areas, Section 4903.1.1 shall be added to read as follows:

4903.1.1 Permits. *Permits shall be required as set forth in Section 105.6. Permits require that plans and specifications be submitted to the fire code official for review and approval prior to the issuance of a building permit or the installation or alteration of landscaping or fuel modification of hazardous vegetation. All work shall be inspected and approved by the fire code official.*

(See Section 10. Findings. 1, 2, 3, 4, 5, 8, 9, 10, 11)

Chapter 49 Requirements for Wildland-Urban Interface Areas, Section 4903.2. shall be changed to read as follows:

4903.2 Contents. The fire protection plan shall be based on a project-specific wildfire hazard assessment that includes considerations of location, topography, aspect, climatic and fire history.

The plan shall identify conformance with all applicable state wildfire protection regulations, statutes and applicable local ordinances, whichever are more restrictive.

The plan shall address fire department access, egress, road and address signage, water supply in addition to fuel reduction in accordance with Public Resources Code (PRC) 4290; the defensible space requirements in accordance with PRC 4291 or Government Code 51182; and applicable codes and standard for wildfire safety. The plan shall identify mitigation measures to address the project's specific wildfire risk and shall include the information required in Section 4903.2.1. *In addition to the requirements of Section 4903.2.1, The fire protection plan shall be provided with recommendations for a fuel modification area. Fuel modification areas shall be included into all entitlement documents. A minimum fuel modification of 100 feet is required from each structure within the development. The overall width of the fuel modification shall consider the findings in the project-specific wildfire hazard assessment.*

(See Section 10. Findings. 1, 2, 3, 4, 5, 8, 9, 10, 11)

Chapter 49 Requirements for Wildland-Urban Interface Areas, Section 4903.3 shall be added to read as follows:

4903.3 Maintenance. *All elements of the final fire protection plan and fuel modification plans shall be maintained in accordance with said plans and are subject to the enforcement process outlined in the Fire Code.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 8, 9, 10, 11)

Chapter 49 Requirements for Wildland-Urban Interface Areas, Section 4911 shall be added to read as follows:

SECTION 4911 PRECAUTIONARY REQUIREMENTS

4911.1 Fireworks. *Fireworks shall not be used or possessed in wildland-urban interface areas. If found to be in violation of this requirement, penalties as outlined in Chapter 1, Section 112.4 shall be assessed.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 8, 9, 10, 11)

Chapter 56 Explosives and Fireworks, Section 5601.1.3 shall be changed to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks is prohibited. *If found to be in violation of this requirement, penalties as outlined in Chapter 1, Section 112.4 shall be assessed.*

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605 and Health and Safety Code Division 11.

The use of fireworks for fireworks displays pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11. 4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with the 2006 NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks and Health and Safety Code Division 11.

Chapter 56 Explosives and Fireworks, Section 5601.7 shall be changed to read as follows:

5601.7 Seizure. The fire code official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials or fireworks offered or exposed for sale, stored, possessed or used in violation of this chapter *or of any local ordinances or regulations.*

(See Section 10. Findings. 1, 2, 3, 4, 5, 8, 9, 11)

Section 3. GEOGRAPHICAL LIMITS.

That the geographical limits referred to in certain sections of the 2022 California Fire Code are hereby established as follows:

3.1 Establishment of geographical limits of districts in which storage of Class I and Class II liquids in above-ground tanks outside of buildings is to be prohibited.

The limits referred to in Section 5704.2.9.6.1 of the 2022 California Fire Code in which storage is prohibited are established as commercial and residential areas, except where the fire code official has issued written approval of such storage.

3.2 Establishment of geographical limits of districts in which storage of Class I and Class II liquids in above-ground tanks is to be prohibited.

The limits referred to in Section 5706.2.4.4 of the 2019 California Fire Code in which storage is prohibited are established as commercial and residential area, except where the fire code official has issued written approval of such storage.

3.3 Establishment of geographical limits of districts in which the storage of flammable cryogenic fluids in stationary containers is to be prohibited.

The limits referred to in Section 5806.2 of the 2022 California Fire Code in which storage is prohibited are established as commercial and residential areas, except where the fire code official has issued written approval of such storage.

3.4 Establishment of geographical limits of districts in which storage of liquefied petroleum gas is to be restricted.

The limits referred to in Section 6104.2 of the 2022 California Fire Code in which storage is restricted are established as:

Heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L).

All areas, when in the opinion of the fire code official the location of storage would create a hazard to occupants or property owners, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

Section 4. REPEAL OF CONFLICTING ORDINANCE.

That Fire Code Ordinance No. 2019-01 of the District entitled AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CHINO VALLEY INDEPENDENT FIRE DISTRICT, ADOPTING BY REFERENCE AND AMENDING THE 2019 EDITION OF THE 2019 CALIFORNIA FIRE CODE WITH ERRATA, AND THE 2018 INTERNATIONAL FIRE CODE REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION

HAZARDS, HAZARDOUS MATERIALS AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors of the District hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. RIGHTS RESERVED.

Nothing in this ordinance or in the 2022 California Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. PUBLICATION.

The District Clerk of the Board shall certify to the adoption of this ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the Clerk of the Board and within fifteen (15) days of its adoption shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the Clerk of the Board, in accordance with California Government Code Section 36933.

Section 8. DATE OF EFFECT.

This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2023, which is to be no less than thirty (30) days from and after the date of its final passage and adoption.

Section 9. CEQA EXEMPTION.

The District finds that the changes made to the Fire Code are enacted to mitigate threats to public peace, health and safety from earthquakes, high winds and fire. Therefore, it can be seen with certainty that the adoption of this ordinance will not have a significant effect on the environment and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. District staff is directed to file a Notice of Exemption within five (5) days of adopting this ordinance.

Section 10. FINDINGS.

The Board of Directors hereby finds that the proposed amendments to the 2022 California Fire Code are reasonable and necessary because of local climactic, geologic and topographical conditions within the District's jurisdiction. This finding is supported and based upon the following express findings which address each of these conditions and present the local situation which make the proposed amendments necessary:

1. The climate weather patterns within the District include frequent periods of drought and low humidity adding to the fire danger. Fire season can be year-round in this region.
2. During the summer months the dry winds and existing vegetation mix to create a hazardous fuel condition which has resulted in large loss vegetation and structure fires. Summer temperatures exceeding one hundred degrees (100°), and severe "Santa Ana" winds frequently occur and can move a fire quickly throughout areas of the District. Multiple shifting wind patterns throughout the canyon areas add to the difficulty in suppressing fires.
3. Because of weather patterns, the District has experienced a need for water conservation. Due to the storage capacities and consumption, and a limited amount of rainfall (drought conditions), future water allocation is not fully dependable. While sound management of the water resources is possible, demands and possible critical depletions on an already stressed water supply can most assuredly be predicted.
4. Features located throughout the District are major roadways, highways, freeways and flood control channels which create barriers and slow response times. Other unique factors which create barriers and slow response times are the multiple canyons located within the District and the large California Institute for Men property.
5. The topography is also very steep in large areas of the District affecting the rate of fire spread and response times.
6. Due to the sloping in the regional valley where the District is located, as well as the present street and storm drain design, heavy rainfall causes roadway flooding and landslides which at times may make an access route impassable.
7. The District has within its boundaries active seismic hazards. Seismic activity within the District occurs yearly and a fire potential exists with these active faults. Existing structures and planned new development are at serious risk from an earthquake. This risk includes fire, collapse and the disruption of water supply for firefighting purposes. Areas can also become isolated as a result of bridge, overpass and road damage and debris.
8. Structures in close proximity to each other pose an exposure problem which may cause a fire to spread from one structure to another as well as to the wildland area.
9. For practical and cost reasons, many new structures are built of wood construction. Many existing structures also have wood shake roofs. The potential for a conflagration exists due to the design and density of current structures.

10. Electrical supply and telephone communication failures occur due to high winds as well as others reasons. Water supply pumps and early notification cannot always be counted on.

11. Narrow and winding streets with little circulation and streets designed as storm drains impede emergency vehicle access and evacuation routes.

Each of the numbered findings above is located below the section to which it relates.

REVIEWED, APPROVED AND ADOPTED this 12th day of October, 2022.



Mike Kreeger, President
Board of Directors
Chino Valley Independent Fire District

ATTEST:



Sandra Escudero, Acting Clerk of the Board

I, Sandra Escudero, Acting Clerk of the Board of the Chino Valley Independent Fire District, hereby certify that foregoing Ordinance No. 2022-03 was duly introduced and placed upon its first reading at a regular meeting of the Board of Directors of the Chino Valley Independent Fire District on the 14th day of September, 2022 , and that thereafter, said Ordinance was duly reviewed, approved and adopted, at a regular meeting of the Board of Directors of the Chino Valley Independent Fire District on the day of, by the following vote, to wit:

AYES:	BOARD MEMBERS: Kreeger, DeMonaco, Luth, Ramos-Evigner and Williams.
NOES:	BOARD MEMBERS: None.
ABSENT:	BOARD MEMBERS: None.
ABSTAIN:	BOARD MEMBERS: None.