

ORDINANCE NO. 1836

**ORDINANCE AMENDING CHAPTERS 14.20.250, 14.20.251, 14.20.252,
14.20.253, AND 14.20.254 OF THE VACAVILLE MUNICIPAL CODE RELATING
TO MODIFICATIONS TO THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL
CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, AND
CALIFORNIA PLUMBING CODE**

WHEREAS, the Planning Commission of the City of Vacaville held a hearing on February 15, 2011, to consider the merits of proposed amendments to Division 14.20 (Construction and Fire Standards) of Title 14 (Land Use and Development Code) of the Vacaville Municipal Code, including the California Building Code (CBC) and related construction codes; and,

WHEREAS, the Planning Commission of the City of Vacaville recommended that the City Council of the City of Vacaville adopt the proposed amendments; and,

WHEREAS, Sections 17958.5 and 17958.7 of the Health and Safety Code of the State of California provide that a city may change or modify the requirements contained in the provisions of the California Building Standards Code adopted pursuant to Health and Safety Code Section 17922; and,

WHEREAS, before making any changes or modifications to the CBC and related construction codes, the City Council must make express findings that such changes or modifications are reasonably necessary because of local climatic, geological, or topographical conditions ("local conditions"); and,

WHEREAS, pursuant to such authority, the City Council of the City of Vacaville has found and determined that certain changes or modifications to the CBC and related construction codes are needed due to the following local conditions that exist in Vacaville:

1. Vacaville is subject to ground tremors from large seismic events on the San Andreas, Hayward, Concord/Green Valley, Calaveras and/or other major active faults in the San Francisco Bay Area. In addition, the Great Valley Fault parts 4 and 5 are present and presumed active in the immediate vicinity of the City. Seismological evidence indicates the probability of a major earthquake in this region capable of doing significant damage to buildings is high. A major seismic event on local faults or on regional faults could result in damage to structures, loss of utility services, and fires. Additional fire resistive protection around metal chimney flues is included in these amendments to address potential separation of metal chimney flue seams that could be the result of such seismic shaking, together with the subsequent exposure of wood framing to hot flue gases. A major seismic event may also cause the loss of electric or gas utility services resulting in the increase use of fireplaces and wood burning stoves. The additional fire resistive construction around metal chimney flues acknowledges potential increase use of fireplaces because of utility service loss with, again, the potential of metal seam separation of chimney flues, together with exposing wood framing to hot flue gases. A major seismic event may increase the likelihood of localized fires due to the displacement of flame producing chemicals from containers or pipes because of seismic ground shaking. The proposed local amendments related to wood shake roofing and wood shake siding are intended to reduce the likelihood of localized fires from spreading throughout an area where such wood shake materials are used.

2. Most of the soil in and around Vacaville is characterized by excessiveness (i.e. shrink-swell behavior). This shrink-swell behavior causes premature deterioration of non-foundational concrete slabs, such as driveways. In addition, this type of soil behavior causes the movement of structural framing that could cause the separation of the metal seams associated with metal chimney flues.

WHEREAS, the City Council of the City of Vacaville held a properly-noticed public hearing on March 8, 2011, to consider the merits of the proposed amendments to Division 14.20 (Construction and Fire Standards) of Title 14 (Land Use and Development Code) of the Vacaville Municipal Code; and,

WHEREAS, adoption of the specific code amendments will implement standards that have already been adopted by the State of California, which must be enforced regardless of whether local amendments are made thereto; and,

WHEREAS, the adoption of the State standards has gone through an environmental process under the provisions of the California Environmental Quality Act (CEQA). The City Council of the City of Vacaville determines that the action of incorporating these adopted codes into the Vacaville Municipal Code and the local amendments thereto has no potential to cause significant impacts to the environment and, therefore, the adoption of this ordinance is exempt from the provisions of CEQA under Section 15061(b) (3) of the CEQA Guidelines; and,

WHEREAS, the City Council of the City of Vacaville has reviewed the proposed amendments to Division 14.20 of the Vacaville Municipal Code and makes the following findings:

1. The proposed amendments are consistent with the City of Vacaville General Plan.
2. The proposed amendments are consistent with the intent and provisions of Title 14 of the Vacaville Municipal Code (Land Use and Development Code).
3. The proposed amendments provide standards that are at least as restrictive as the standards established in the California Building Code and related construction codes.
4. The above findings were made by the Planning Commission at its meeting of February 15, 2011, and were incorporated into the Commission's recommendation to the City Council, and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VACAVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals incorporated. The recitals and findings set forth above are hereby incorporated by reference into this ordinance and made a part hereof.

SECTION 2. Sections 14.20.250.010, 14.20.250.020, 14.20.250.030, 14.20.250.040, and 14.20.250.050 of the Vacaville Municipal Code amended. Sections 14.20.250.010, 14.20.250.020, 14.20.250.030, 14.20.250.040, and 14.20.250.050 of the Vacaville Municipal Code are amended to read in full as follows:

“14.20.250.010 Title.

Chapters 14.20.250 through 14.20.258 shall be known as the Construction Code of the City of Vacaville.

14.20.250.020 Purpose.

The California Building Standards Code (“Building Standards”) is adopted pursuant to Health and Safety Code Section 17922 as a means of regulating the construction, alteration,

and maintenance of buildings within the State of California. This Construction Code is intended to:

- A. Promote the health, safety, and welfare of the residents of the City of Vacaville and other persons visiting the City; and
- B. Ensure compliance with local, state, and nationally-adopted standards and methods of building construction; and
- C. Provide a means to reasonably protect persons and property from criminal activity through adoption of building security requirements; and
- D. Enable the Building Official to enforce the provisions of this Division 14.20.

14.20.250.030 Administration.

The provisions of this Division 14.20 shall be administered by the Building Official and Fire Chief as specified herein.

14.20.250.040 Fees.

Every person entity applying for a permit pursuant to the provisions of Chapters 14.20.250 through 14.20.258 of this Division 14.20 shall pay all applicable fees as set by resolution of the city council to cover the city's processing costs. Plan-review fees shall be paid upon submittal of the permit application and permit fees shall be paid prior to the issuance of a permit.

14.20.250.050 Enforcement.

A. The Building Official shall be responsible for the enforcement of the provisions set forth in Chapters 14.20.250 through 14.20.258 of this code. Any person or entity found to be in violation of the provisions set forth in Chapters 14.250 through 14.20.258 shall be subject to the following:

1. Upon the first, second, or third violation within any consecutive twelve-month period the person or entity shall be guilty of an infraction, each punishable pursuant to Section 1.16.010(c) of Title 1 of this code.
2. Upon the fourth or subsequent violation within any consecutive twelve-month period the person or entity shall be guilty of a misdemeanor punishable pursuant to Section 1.16.010(b) of Title 1 of this code.
3. Each day or portion thereof that such provisions are violated shall be deemed as a separate offense.

B. The Fire Chief shall be responsible for the enforcement of the provisions set forth in Chapters 14.20.270, 14.20.271, 14.20.272, and 14.20.290 of this code.

SECTION 3. Sections 14.20.251.010, 14.20.251.020, 14.20.251.030, and 14.20.251.040 amended. Sections 14.20.251.010, 14.20.251.020, 14.20.251.030, and 14.20.251.040 of the Vacaville Municipal Code are amended to read in full as follows:

14.20.251.010. Division II of Chapter 1, Chapter 34, and Appendices B, C, F, G, H, I and J of the California Building Code and Division II of Part 1 of Chapter 1 and Appendices E, H, and O of the California Residential Code

The city does hereby amend the Building Standards to include: (i) Division II of Chapter 1, Chapter 34, and Appendices B, C, F, G, H, I, and J of the California Building Code, 2010 edition, as published by the California Building Standards Commission, excluding the following sections of Division II of Chapter 1: 101.4, 103, 104.7, 105.2, 106.1.1, and 106.1.2.; and (ii) Division II of Part 1 of Chapter 1 and Appendices O and Q of the California Residential Code,

2010 edition as published by the California Building Standards Commission, excluding the following sections of Division 11 of Part 1 of Chapter 1: R103.1, R104.7, R105.9, R110.2, R110.3, R110.4, and R112.

The sections, chapters, and appendices added by this section 14.20.251.010 are subject to the amendments set forth in section 14.20.251.040 of this code.

14.20.251.020 Reference Copy.

A copy of the adopted California Building Code, 2010 edition, and California Residential Code, 2010 edition, shall be kept on file in the Office of the Building Official for use and examination by members of the public.

14.20.251.030 Enforcement.

Enforcement of the California Building Code, 2010 edition, and California Residential Code, 2010 edition, as amended hereunder, shall be as provided in section 14.20.250.050 of chapter 14.20.250 of this code.

14.20.251.040. Amendments.

- A. Section R102.7.1 is added to Division II of Part I of Chapter I of the California Residential Code, 2010 edition, to read in full as follows:

"R102.7.1 Additions, alterations or repairs. Existing buildings or structures regulated by this code shall conform to the requirements of Chapter 34, 'Existing Structures', of the California Building Code, 2010 edition."

- B. Section 109.2 of Division II of Chapter 1 of the California Building Code, 2010 edition, is amended to read in full as follows:

"109.2 Schedule of permit fees. The fees for each permit shall be computed in accordance with the amounts set by resolution of the city council, which may be amended from time to time. The fees charged shall be those in effect at the time the permit is issued. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official and may be adjusted annually. The value to be used in computing the building permit and building plan-review fees shall be the total value of construction work that will be inspected for which the permit is issued, excluding all finish work, painting, fire extinguishing systems, and any other permanent equipment.

When submittal documents are required by other sections of the California Building Code, 2010 edition, a plan-review fee shall be paid in the amount set by resolution of the city council, which may be amended from time to time. The fee shall be that in effect at the time of submittal.

When a submittal is incomplete or changed so as to require additional review or when the project or proposal involves deferred submittal items, an additional plan-review fee shall be paid if required by the Building Official in the amount set by resolution of the city council, which may be amended from time to time. The fee shall be that in effect at the time of submittal."

- C. Section R108.2 of Division II of Part 1 of Chapter 1 of the California Residential Code, 2010 edition, is amended to read in full as follows:

“R108.2 Schedule of permit fees. The fees for each permit shall be computed in accordance with the amounts set by resolution of the city council, which may be amended from time to time. The fees charged shall be those in effect at the time the permit is issued. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official and may be adjusted annually. The value to be used in computing the building permit and building plan-review fees shall be the total value of construction work that will be inspected for which the permit is issued, excluding all finish work, painting, fire extinguishing systems and any other permanent equipment.

When submittal documents are required by other sections of the California Building Code, 2010 edition, a plan-review fee shall be paid in the amount set by resolution of the city council, which may be amended from time to time. The fee shall be that in effect at the time of submittal.

When a submittal is incomplete or changed so as to require additional review or when the project or proposal involves deferred submittal items, an additional plan-review fee shall be paid if required by the Building Official in the amount set by resolution of the city council, which may be amended from time to time. The fee shall be that in effect at the time of submittal.”

- D. Section 708 of Chapter 7 of the California Building Code, 2010 edition, is amended by adding the following sentence to the end of Section 708.1:

“All factory-built chimneys installed in a chase or shaft in or adjacent to all occupancies of Type V-A and Type V-B construction shall be protected to the top of chase and fully enclosed by not less than one layer of 5/8” Type ‘X’ gypsum wallboard installed between the combustible framing and the factory-built chimney per the current Building Standards, with all joints fire-taped and with connectors not more than 7 inches on center.”

- E. Exception 1 of Section 708.2 of the California Building Code, 2010 edition, is amended to read in full as follows:

“A shaft enclosure is not required for openings totally within an individual residential dwelling unit and connecting four stories or less, except for shafts or enclosures associated with factory-built chimneys.”

- F. Section R1005.4 of Chapter 10 of the California Residential Code, 2010 edition is amended by adding the following sentence to the end of Section R1005.4:

“All factory-built chimneys installed in a chase, shaft, or attic, in or adjacent to all occupancies of Type V-A and Type V-B construction shall be protected to the top of chase and fully enclosed by not less than one layer of 5/8” Type ‘X’ gypsum wallboard installed between the combustible framing and the factory-built chimney per the current Building Standards, with all joints fire-taped and with connectors not more than 7 inches on center.”

- G. Section 1507.1 of Chapter 15 of the California Building Code, 2010 edition, is amended by adding the following sentences to the end of Section 1507.1:

“Roof coverings shall be applied in accordance with the applicable provisions of Chapter 15 of the California Building Code, 2010 edition, and the manufacturer’s installation instructions. Wood shingles, wood shakes, or other wood materials applied

as roof covering shall be fire rated as 'Class B' or better, treated in accordance with the current Building Standards. All wood shingle or wood shake re-roofing exceeding 25% of the total roof area will have a minimum 'Class B' rating."

- H. Section R901.1 of the **California Residential Code**, 2010 edition, is amended by adding the following sentences to the end of Section R901.1:

"Roof coverings shall be applied in accordance with the applicable provisions of Chapter 9 of the 2010 California Residential Code, 2010 edition, and the manufacturer's installation instructions. Wood shingles, wood shakes, or other wood materials applied as roof covering shall be fire rated as 'Class B' or better, treated in accordance with the current Building Standards. All wood shingle or wood shake re-roofing exceeding 25% of the total roof area will have a minimum 'Class B' rating."

- I. Section 1910.1 of Chapter 19 of the **California Building Code**, 2010 edition is amended by adding the following sentence to the end of Section 1910.1:

"Concrete slabs used for residential driveways between the right of way and a carport or garage shall comply with each of the following:

- a. Shall be not less than 3 1/2" in thickness;
- b. Shall provide an expansion joint at public walk, on curb and at garage;
- c. Shall provide contraction joints at approximately ten-foot intervals;
- d. Shall provide 6" x 6" wire mesh, minimum gauge number 10 wire, the full length and width of driveway."

- J. Section R401.1 of Chapter 4 of the **California Residential Code**, 2010 edition, is amended by adding the following sentence to the end of the first paragraph of Section R401.1:

"Concrete slabs used for residential driveways between the right of way and a carport or garage shall comply with each of the following:

- a. Shall be not less than 3 1/2" in thickness;
- b. Shall provide an expansion joint at public walk, on curb and at garage;
- c. Shall provide contraction joints at approximately ten-foot intervals;
- d. Shall provide 6" x 6" wire mesh, minimum gauge number 10 wire, the full length and width of driveway."

SECTION 4. Sections 14.20.252.010 and 14.20.252.040 amended. Sections 14.20.252.010 and 14.20.252.040 of the Vacaville Municipal Code are amended to read in full as follows:

14.20.252.010. Chapter 1 Division II and Appendices, A, B, D, I, K, and L of California Plumbing Code.

The city does hereby amend the Building Standards to include Division II of Chapter 1 and Appendices A, B, D, I, K, and L of the California Plumbing Code, 2010 edition, as published by the California Building Standards Commission, as amended by section 14.20.252.040 of this code.

14.20.252.040. Amendments.

Sections 103.4.1 and 103.4.2 of Division II of Chapter 1 of the California Plumbing Code, 2010 edition, are amended to read in full as follows:

“103.4.1. Permit Fees. The fee for each permit shall be computed in accordance with the amounts set by resolution of the city council, which may be amended from time to time. Fees charged will be those in effect at the time the permit is issued.

103.4.2. Plan-Review Fees. When a plan or other data is submitted pursuant to Section 103.2.2, a plan-review fee shall be paid at the time of submitting the plan or data for review. The plan review fee for each plan-review application shall be computed in accordance with the amounts set by resolution of the city council, which may be amended from time to time. The plan-review fees specified in this Section are separate fees from the permit fees required under Section 103.4.1 and are in addition to the permit fees. When a submittal is incomplete or changed so as to require additional review or when the project or proposal involves deferred submittal items, an additional plan-review fee shall be paid in the amount set by resolution of the city council, which may be amended from time to time. The fee shall be that in effect at the time of submittal.”

SECTION 5. Sections 14.20.253.010 and 14.20.253.040 amended. Sections 14.20.253.010 and 14.20.253.040 of the Vacaville Municipal Code are amended to read in full as follows:

“14.20.253.010. Division II of Chapter 1 and Appendices A, B, C, and D of the California Mechanical Code.

The city does hereby amend the Building Standards to include Division II of Chapter 1 and Appendices A, B, C, and D of the California Mechanical Code, 2010 edition, as published by the California Building Standards Commission, as amended by section 14.20.253.040 of this code.”

14.20.253.040. Sections 115.2 and 115.3 of California Mechanical Code.

Sections 115.2 and 115.3 of Part 3 of Division II of Chapter 1 of the California Mechanical Code, 2010 edition, are amended to read in full as follows:

“115.2 Permit Fees. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official and may be adjusted annually. Mechanical permit fees shall be computed in accordance with the amounts set by resolution of the city council, which may be amended from time to time. The fee charged shall be that in effect at the time the permit is issued.

115.3 Plan-Review Fees. When plans, engineering calculations, diagrams, and other data are submitted pursuant to Section 113.2, a plan-review fee shall be paid at the time of the submittal. The plan-review fee for each plan-review application shall be computed in accordance with the amounts set by resolution of the city council, which may be amended from time to time. The plan-review fees specified in this Section are separate fees from the permit fees required under Section 115.2 and are in addition to the permit fees. When a submittal is incomplete or changed so as to require additional review or when the project or proposal involves deferred submittal items, an additional plan-review fee shall be paid in the amount set by resolution of the city council, which may be amended from time to time. The fee shall be that in effect at the time of submittal.”

SECTION 6. Sections 14.20.254.010 and 14.20.254.040 amended. Sections 14.20.254.010 and 14.20.254.040 of the Vacaville Municipal Code are amended to read in full as follows:

"14.20.254.010. Annex A and B of the California Electrical Code, 2010 edition.

The city does hereby amend the Building Standards to include Annex A and B of the California Electrical Code, 2010 edition, as adopted by the California Building Standards Commission.

14.20.254.040. Amendment of the California Electrical Code.

Sections 89.101.13 and 89.101.14 are added to Section 89.101 of the California Electrical Code, 2010 Edition to read in full as follows:

89.101.13 Submittal Documents. Construction documents for electrical work shall be provided at the time of the permit application as determined by the Building Official. Such documents shall include, but not limited to, bonding and grounding details, wiring plan runs and details, single line diagrams, load calculations, wire sizing calculations, conduit sizing calculations, and derating calculations.

89.101.14 Permit and Plan Review Fees.

89.101.14.1 Permit Fees. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official and may be adjusted annually. Electrical permit fees shall be computed in accordance with the amounts set by resolution of the city council, which may be amended from time to time. The fee charged shall be that in effect at the time the permit is issued."

89.101.14.2 Plan Review Fees. When electrical plans, engineering calculations, diagrams, and other data are submitted pursuant to Section 89.101.13, a plan-review fee shall be paid at the time of the submittal or at such time as determined by the Building Official. The plan-review fees specified in this Section are separate fees from the permit fees required under Section 89.101.13.1 and are in addition to the permit fees. When a submittal is incomplete or changed so as to require additional review or when the project or proposal involves deferred submittal items, an additional plan-review fee shall be paid in the amount set by resolution of the city council, which may be amended from time to time. The fee shall be that in effect at the time of submittal."

SECTION 7. Severability. If any section, subsection, phrase, or clause 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 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 be declared unconstitutional.

SECTION 8. Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

SECTION 9. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

I HEREBY CERTIFY that this ordinance was introduced at a regular meeting of the City Council of the City of Vacaville, held on the 8th day of March 2011, and ADOPTED AND PASSED at a regular meeting of the City Council of the City of Vacaville, held on the 22nd day of March 2011, by the following vote:

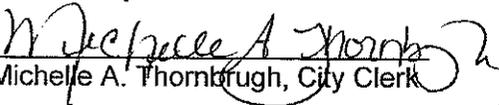
AYES: Council members, Harris, Hunt, Mashburn, Vice-Mayor Rowlett and Mayor Hardy

NOES: None

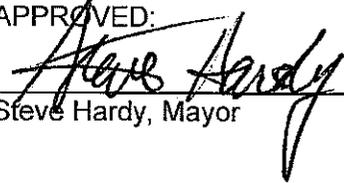
ABSENT: None

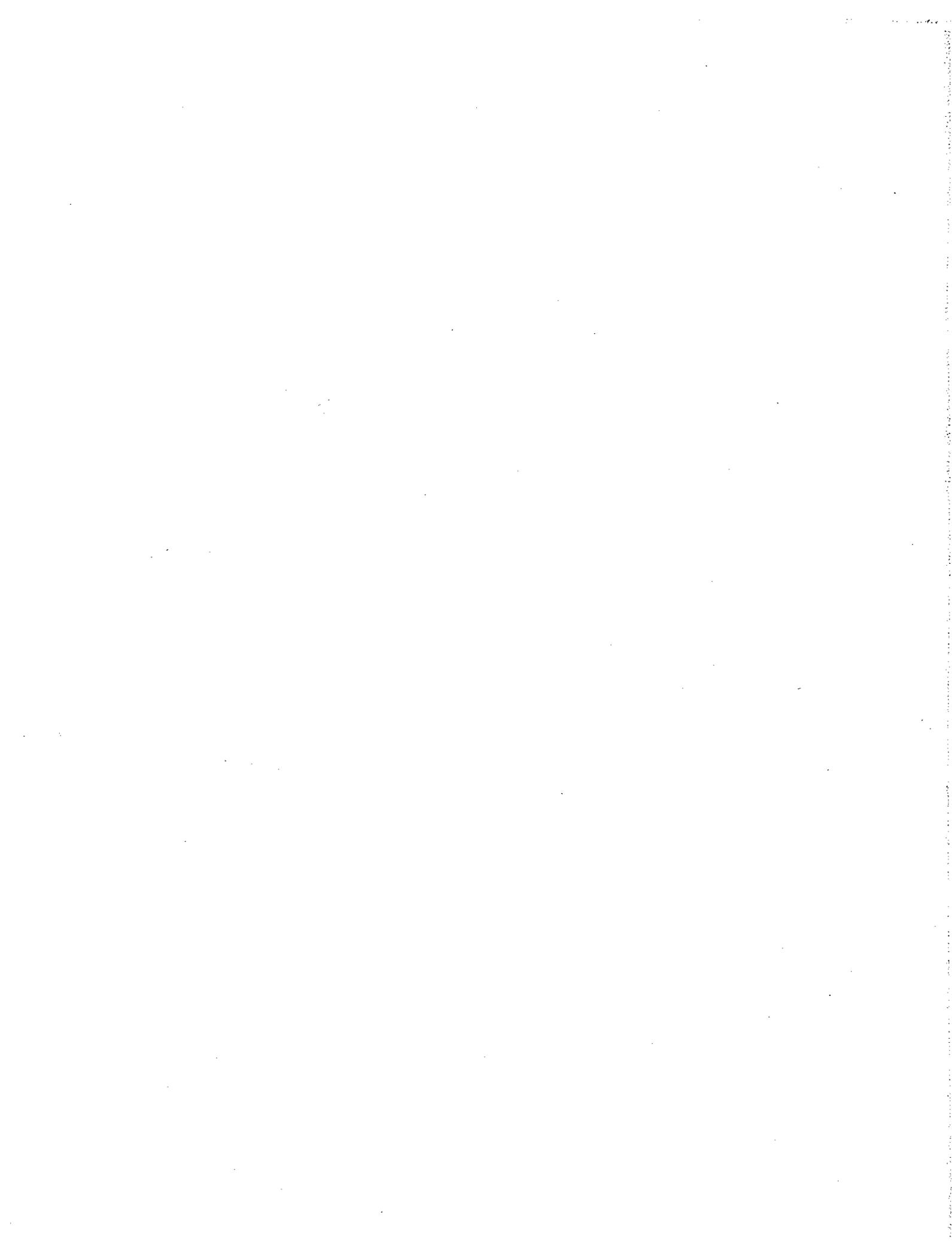
ATTEST:

BY:


Michelle A. Thornburgh, City Clerk

APPROVED:


Steve Hardy, Mayor



ORDINANCE NO. 1837

ORDINANCE AMENDING CHAPTERS 14.20.270, 14.20.271, AND 14.20.272 OF THE VACAVILLE MUNICIPAL CODE RELATING TO THE 2010 CALIFORNIA FIRE CODE

WHEREAS, Section 17958.5 and 17958.7 of the Health and Safety Code of the State of California provide that a city may change or modify the requirements contained in the provisions of the California Building Standards Code ("Building Standards"), adopted pursuant to Health and Safety Code Section 17922; and,

WHEREAS, before making any changes or modifications to the Building Standards, the City Council must make express findings that such changes or modifications are reasonably necessary because of local climatic, geological or topographical conditions ("local conditions"); and,

WHEREAS, pursuant to such authority, the City Council of the City of Vacaville has determined that certain changes or modifications to the Building Standards are needed due to the following local conditions, which exist in Vacaville:

1. Average yearly rainfall for the City is approximately 24 inches. This rainfall normally occurs from October to April. During the summer months, there is generally no measurable precipitation. Temperatures for this dry period range from 80 to 112 degrees and are frequently accompanied by light to gusty Delta winds from the southwest and from the north. During this period, relative humidity can fall below 10%. The City contains hundreds of acres of grass-covered land, is surrounded by thousands of acres of grasslands and has residential developments that abut grass and tree covered hillsides which, in conjunction with the hot, dry and windy climatic conditions, create a hazardous situation that has in the past led to extensive grass and brush fires. With more development extending from the urban core into the grass-covered areas, wind-driven fires could lead to serious consequences, as has been the case on several occasions in similar areas of the State.

2. The City is bisected by several topographical features, including two major creeks (Ulatis and Alamo), irrigation and drainage canals (including the SID canal), and Interstates 80 and 505. As a result, the City is primarily divided into two parts. Traffic within and between the parts of the City is channeled onto several major thoroughfares which must cross creeks, canals, and freeways by means of bridges, underpasses, or overpasses. Periodic heavy traffic congestion on the City's major streets acts as a barrier to timely response for fire equipment and emergency services. In the event of an accident or other emergency at one of the key points of intersection between a road and creek or freeway, sections of the City could become isolated or response times could be sufficiently slowed as to increase the risk of substantial injury or damage. With the inability of emergency services to guarantee rapid response to various sections of the City, it is necessary to mitigate this problem by requiring additional built-in automatic fire protection systems, which will provide for early detection and initial fire control until the arrival of the firefighting equipment and other emergency services.

3. The City is subject to ground tremors from large seismic events on the San Andreas, Hayward, Concord/Green Valley, Calaveras and/or other major active faults in the San Francisco Bay Area. Faults are also present in the immediate vicinity of the City. The largest recorded earthquake in the immediate vicinity occurred on the Midland Fault on April 19, 1892, with a magnitude 6.5 (VII modified Mercalli). Seismological evidence indicates the probability of an earthquake in this region capable of doing significant damage to buildings is high. A major seismic event would create a City-wide demand on fire protection services, which would be beyond the response capability of the Fire Department. This potential problem can be mitigated by requiring initial fire control through the installation of automatic fire protection systems.

4. Most of the soil in and around Vacaville is characterized by excessiveness (i.e. shrink swell behavior) and low bearing strength. Therefore, it is necessary to require additional measures to prevent failure of structures and site improvements as a result of soil instability, which would necessitate an emergency response due to the failure of such structures and site improvements.

WHEREAS, the proposed amendments: (i) are consistent with the City of Vacaville General Plan. (ii) are consistent with the intent and provisions of Title 14 of the Vacaville Municipal Code (Land Use and Development Code); and (iii) provide standards that are at least as restrictive as the standards established in the California Building Standards and

WHEREAS, the Planning Commission of the City of Vacaville held a hearing on February 15, 2011, to consider the merits of the proposed local amendments to the Building Standards by amending Division 14.20 (Construction and Fire Standards) of Title 14 (Land Use and Development Code) of the Vacaville Municipal Code; and,

WHEREAS, the Planning Commission of the City of Vacaville recommended that the City Council of the City of Vacaville adopt the proposed amendments to the Building Standards; and,

WHEREAS, the City Council of the City of Vacaville held a properly-noticed public hearing on February 22, 2011, to consider the merits of the proposed local amendments to the Building Standards by amending Division 14.20 (Construction and Fire Standards) of Title 14 (Land Use and Development Code) of the Vacaville Municipal Code; and,

WHEREAS, the adoption of the Building Standards has previously gone through an environmental review process under the provisions of the California Environmental Quality Act (CEQA). The City Council of the City of Vacaville determines that the action of incorporating these adopted codes into the Vacaville Municipal Code and the local amendments thereto has no potential to cause significant impacts to the environment and, therefore, the adoption of this ordinance is exempt from the provisions of CEQA under Section 15061(b) (3) of the CEQA Guidelines; and,

WHEREAS, the City Council of the City of Vacaville has reviewed the proposed amendments to Division 14.20 of the Vacaville Municipal Code and makes the following findings:

1. The proposed amendments are consistent with the City of Vacaville General Plan.
2. The proposed amendments are consistent with the intent and provisions of Title 14 of the Vacaville Municipal Code (Land Use and Development Code).
3. The proposed amendments provide standards that are at least as restrictive as the standards established in the Building Standards and related construction codes.
4. The above findings were made by the Planning Commission at its meeting of February 15, 2011, and were incorporated into the Commission's recommendation to the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VACAVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals incorporated. The recitals and findings set forth above are hereby incorporated by reference into this ordinance and made a part hereof.

SECTION 2. Chapters 14.20.270, 14.20.271, and 14.20.272 amended. Chapters 14.20.270, 14.20.271, and 14.20.272 of the Vacaville Municipal Code are amended in full to read as follows:

Chapter 14.20.270

FIRE CODE AND ADMINISTRATION OF FIRE CODE

Sections:

<u>14.20.270.010</u>	Title.
<u>14.20.270.020</u>	Purpose.
<u>14.20.270.030</u>	Administration.
<u>14.20.270.040</u>	Definitions.
<u>14.20.270.050</u>	Establishment and Duties of the Fire Prevention Bureau.
<u>14.20.270.060</u>	Enforcement.
<u>14.20.270.070</u>	Modifications and Appeals.
<u>14.20.270.080</u>	New Materials, Processes or Occupancies that May Require Permits.

14.20.270.010 Title.

Chapters 14.20.270 through 14.20.272 of this code shall be known as the Fire Code of the City of Vacaville also referred to in this code as the "Fire Code."

14.20.270.020 Purpose.

The purpose of the Fire Code is to prescribe regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion. The Fire Code is applied as a "maintenance code" to regulate existing occupancies, processes, and conditions. It is also used to regulate new occupancies, processes, or conditions that arise after the approval of the Fire Code.

The regulations of chapters 14.20.270 through 14.20.272 are established to achieve the following purposes:

- A. To set forth and establish administrative guidelines and requirements, including the issuance of permits and citations.
- B. To provide regulations governing general provisions for safety.
- C. To establish safety regulations for special occupancy uses, special processes, special equipment, and other special subjects.
- D. To reference nationally-recognized standards that apply to the above subjects.

14.20.270.030 Administration.

The provisions of the Fire Code shall be administered by the Fire Chief.

14.20.270.040 Definitions.

The following words and phrases as used in the Fire Code of the City of Vacaville and chapters 14.20.270 through 14.20.272, shall mean the following:

- A. The phrase "California Fire Code" shall mean the California Fire Code, 2010 edition, as published by the California Building Standards Commission.
- B. The phrase "Chief of the Fire Prevention Bureau" shall mean the Fire Marshal of the City of Vacaville.
- C. The phrase "City Manager" shall mean the City Manager or his or her designee.
- D. The word "code" shall mean the Vacaville Municipal Code, unless the context or subject matter otherwise requires.

E. The phrase "Fire Chief" shall mean the Chief of the City's Fire Department or his or her designee.

F. The phrase "Fire Code" shall mean the Fire Code of the City of Vacaville.

G. The phrase "Fire Code Official" shall mean the department head of the Fire Department only.

H. The phrase "Fire Department" shall mean the fire department of the City of Vacaville.

I. The phrase "Fire Inspector" shall mean a fire inspector employed or retained by the City.

J. The phrase "Fire Prevention Bureau" shall mean that section of the Fire Department assigned to perform fire prevention tasks and duties.

14.20.270.050 Establishment and Duties of the Fire Prevention Bureau.

The Fire Prevention Bureau and its duties are established as follows:

A. The Fire Code, as adopted and amended herein, shall be enforced by the Fire Prevention Bureau in the Fire Department of the City, which is hereby established and which shall be operated under the supervision of the Fire Chief of the Fire Department.

B. The person in charge of the Fire Prevention Bureau shall be appointed by the Fire Chief of the Fire Department and shall have the title of "Fire Marshal."

C. The Fire Chief of the Fire Department shall recommend to the City Manager the employment of additional Fire Inspectors.

D. The Fire Chief of the Fire Department may designate such members of the Fire Department as Fire Inspectors as the Fire Chief deems necessary from time to time. The Fire Chief may assign operational or other members of the Fire Department to the Fire Prevention Bureau as may be required or deemed necessary by the Fire Chief from time to time.

14.20.270.060 Enforcement.

The Fire Chief shall be responsible for enforcement of the codes set forth in chapters 14.20.270 through 14.20.272. Enforcement of these provisions shall be as follows:

A. Any person who violates or fails to comply with any of the provisions of Sections 304.1, 304.2, 308.3.2, 311, 901.6, 3301, and 3308 of the California Fire Code, 2010 edition, or any other sections specifically identified as a misdemeanor, or who violates or fails to comply with any order made there under, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or who violates or fails to comply with any certificate or permit issued thereunder as affirmed or modified by the Fire Chief or by a court of competent jurisdiction, within the time fixed herein, shall, for each and every such violation and/or noncompliance, be guilty of a misdemeanor.

B. Any person who violates any of the provisions of the remainder of the Fire Code, or the additions or amendments thereto, as contained in chapters 14.20.270 through 14.20.272 shall, for each and every such violation and/or noncompliance, be guilty of an infraction.

C. The conviction of or imposition of a penalty for any violation shall not excuse the violation or permit such violation to continue; the person so convicted or penalized shall correct or remedy such violations within a reasonable time; and, when not otherwise specified, each ten (10) days that a prohibited condition is maintained or allowed to continue un-remedied shall constitute a separate offense.

D. The application of the above penalties shall not be held to prevent the forced removal of conditions prohibited by the Fire Code.

14.20.270.070 Modifications and Appeals.

Modifications and appeals of actions pertaining to the Fire Code shall be as follows:

A. The Fire Chief is authorized to modify any of the provisions of the Fire Code upon application in writing by the owner or lessee of property, or the duly-authorized representative of such owner or lessee, where there are practical difficulties in the way of carrying out the provisions of the Fire Code, provided the Fire Chief finds that the spirit or intent of the Fire Code shall be complied with, public safety secured and substantial justice done. The justification or reasons for such modifications, when granted or approved, and the decision of the Fire Chief shall be entered upon the records of the Fire Department and a signed copy of such grant or approval shall be furnished to the applicant.

B. Whenever the Fire Chief disapproves an application or denies a modification or permit applied for, the applicant may appeal the decision of the Fire Chief to the City Manager as set forth in Section 108 of the California Fire Code, 2010 edition. The justification or reasons for the City Manager's decision on the appeal shall be entered upon the records of the Fire Department and a signed copy of the City Manager's decision shall be furnished to the applicant.

14.20.270.080 New Materials, Processes or Occupancies that may Require Permits.

The City Manager, the Fire Chief, and the Chief of the Fire Prevention Bureau shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Fire Code. The Chief of the Fire Prevention Bureau shall post a list of such new materials, processes, or occupancies in a conspicuous place in the Fire Prevention Bureau and distribute copies thereof to interested persons upon request.

Chapter 14.20.271 **CALIFORNIA FIRE CODE**

Sections:

- 14.20.271.010 Code Adopted.
- 14.20.271.020 Reference Copies.
- 14.20.271.030 Enforcement.
- 14.20.271.040 Amendments.

14.20.271.010 Code Adopted.

The City does hereby approve, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion, that certain code known as the "California Fire Code, 2010 edition," including Appendix Chapters 4, and Appendices B, C, D, E, F, I and J, as amended herein. The following portions of the California Fire Code, 2010 edition are not adopted: Chapters 16 ("Fruit and Crop Ripening"), 17 ("Fumigation and Thermal Insecticidal Fogging"), 49 ("Requirements for Wildland-Urban Interface Fire Areas") and Appendices A and H. The documents approved in this section are approved in their entirety, excepting additions, revisions and deletions specified in Section 14.20.271.040 of this code.

14.20.271.020 Reference Copies.

Two copies of the Fire Code shall be kept on file with the City Clerk for examination by members of the public.

14.20.271.030 Enforcement.

Enforcement of the Fire Code of the City adopted by this chapter shall be made in accordance with Section 14.20.270.060 of this code.

14.20.271.040 Amendments.

The California Fire Code, 2010 Edition, is amended as follows:

1. Subjects Not Regulated By This Code:

Section 102.8.1 is added to Chapter 1 to read in full as follows:

“102.8.1 Fire extinguishing systems. Fire extinguishing systems shall comply with the applicable and most current codes and standards currently adopted and published by the National Fire Protection Association (NFPA) and the policies of the Fire Department.

Exception: Automatic sprinkler systems in Group R Occupancies of four stories or less that are designed in accordance with the National Fire Protection Association (NFPA) 13R, shall have sprinklers installed in attics, balconies, porches and open corridors per NFPA 13.”

2-1. Fire Prevention Bureau Personnel and Police:

Section 103.3 of Chapter 1 is amended to read in full as follows:

“All sworn safety personnel assigned to the Fire Prevention Bureau, or such other full-time Fire Department officers or Fire Prevention personnel as may be authorized by the Fire Chief or the Police Chief or both, shall be peace officers as described in Section 830.37(b) of the California Penal Code and shall enforce the Penal Code, California Fire Code, and where necessary and appropriate, any sections of this code, the California Health and Safety Code, and any other county or state fire-related laws or codes not specifically covered in any part of this code.

These police powers include the power to issue misdemeanor citations. When requested to do so by the Fire Chief, 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.”

2-2. Fire Service Fees:

Section 104.1.1 is added to Section 104 of Chapter 1 to read in full as follows:

“104.1.1 Fire service fees. Fire service fees may be charged to any person, firm, corporation, or business that, through negligence, violation of the law, or as a result of carelessness, is responsible for or is the cause of any Fire Department response.”

2-3. Right of Entry:

Section 104.3.2 is added to Section 104.3 of Chapter 1 to read in full as follows:

“104.3.2 Photographs and sketches. During the course of an inspection, the Fire Chief may take photographs and videos or make such sketches as he/she/they deem necessary in the performance of their duties hereunder. No person shall interfere with, refuse, or obstruct such persons in the performance of such photographing, filming, or sketching.”

2-4. Obstructing Fire Department Operations:

Section 104.11.2 of Chapter 1 is amended to read in full as follows:

“Interference with the operations of the Fire Department in connection with extinguishing any fire or mitigating any other emergency, conducting inspections or investigations, or any other Fire Department operation is prohibited. Lawful commands of the Fire Chief or the officer of the Fire Department in charge at such scene, or any part thereof, or any police or law enforcement officer assisting the Fire Department or its personnel at or around such scene, shall be obeyed. Any person violating this section shall be guilty of a misdemeanor.”

2-5. Submittals:

Section 105.4.1.2 is added to Section 105.4.1 of Chapter 1 to read in full as follows:

“105.4.1.2. Review of submittals. The Fire Chief may review all plans for the construction or remodeling of buildings for the purpose of ascertaining and requiring to be corrected any

condition that may cause or lead to a fire, endanger life or safety, create panic, or is a violation of this code, state laws or regulations, or any other local ordinances, regulations, or requirements that he or she may deem necessary or proper. The Fire Chief may establish a schedule of fees, as approved by resolution of the city council, to be charged and collected for plan checking and other required inspection services."

2-6. Plan Review Section:

Section 105.4.1.3 is added to Section 105.4.1 of Chapter 1 to read in full as follows:

"105.4.1.3. Permit to install or change fire protection equipment or systems. A permit from the Fire Department shall be required in order to install, alter, modify, or change any fire hydrant, fire extinguishing system, or fire alarm system."

2-7. Carnivals, Fairs, and Special Events:

Section 105.6.4 of Chapter 1 is amended to read in full as follows:

"An operational permit from the Fire Department is required in order to conduct a carnival, fair, or special event that involves field inspections by Fire Department personnel to ensure compliance with this code."

2-8. Fire Permit Fees:

Section 105.7.15 is added to Section 105 of Chapter 1 to read in full as follows:

"105.7.15. Permit fees. The Fire Chief may establish a schedule of fees, as approved by resolution of the city council, to be charged and collected for the issuance of permits pursuant to Section 105 of this code."

2-9. Board of Appeals:

Section 108 of Chapter 1 is amended to read in full as follows:

"When a person claims that the provisions of this code do not apply, or that the intent, purpose, or meaning of this code has been misconstrued or wrongly interpreted by the Fire Chief, such person may, within 30 days from the date of such decision of the Fire Chief, appeal the matter in writing to the City Manager who shall consider and render a decision on the appeal. Such decision of the City Manager shall be final."

2-10. Stopping Use, Evacuation:

Section 109.3.2 is added to Section 109.3 of Chapter 1 to read in full as follows:

"109.3.2. Orders to Stop Work or Evacuate. The Fire Chief is authorized to order a stop to any operation, construction, or use or to evacuate any premises, building or vehicle or portion thereof that, in his or her judgment, is a hazardous condition, poses a threat to life, safety, or property, or is a violation of this code, Fire Department requirements, or any other regulation, ordinance, or law. The failure to comply with such order shall be a misdemeanor."

2-11. Abatement of Hazards:

Section 109.3.3 is added to Section 109.3 of Chapter 1 to read in full as follows:

"109.3.3. Abatement of hazards. In situations where the immediate abatement of a fire hazard or other potentially hazardous condition is required, the Fire Chief shall have the authority to abate such hazard or condition immediately. Abatement measures may include, but are not limited to, confiscation or removal of the item(s) causing or

contributing to the fire hazard or potentially hazardous condition; temporary closure of a building, structure, or occupancy threatened by the hazard or potentially hazardous condition; extinguishing unsafe or illegal fires; or utilization of any other method of abatement deemed appropriate by the Fire Chief under the circumstances. At the Fire Chief's discretion, the cost of abatement may be charged to the owner of the property affected and, if not paid, may become a lien upon the property or the affected property confiscated, provided the owner thereof is given prior notice of the action to be taken and afforded due process of law."

2-12. Infraction Citations:

Section 109.3.4 is added to Section 109.3 of Chapter 1 to read in full as follows:

"109.3.4 Issuance of citation. Any person who operates or maintains an occupancy or use of a vehicle that is a hazard and in conflict with the provisions of the Fire Code or this code and who fails to take immediate action to abate such hazard when ordered to do so by the Fire Chief or other Fire Department official or employee who is authorized to issue citations shall be subject to citation."

2-13. Unsafe Buildings:

Section 110.5 is added to Section 110 of Chapter 1 to read in full as follows:

"110.5 Unsafe buildings. It shall be unlawful to leave or maintain any building in an unsafe condition or maintain any building in a manner that is a public nuisance, a threat to life, safety, or property, or a fire hazard. The Fire Chief may order or cause the abatement of such nuisance, threat, or hazard as specified in Section 109.3.3 of this code."

3. One and Two-Family Dwellings:

Section B105.1 of Appendix B is amended to read in full as follows:

"The minimum fire-flow for one and two-family dwellings shall be not less than 1,500 gallons per minute at 20 p.s.i. residual pressure. The fire flow duration shall be in accordance with Table B105.1 of this code.

Exception: A reduction to 1,000 gallons per minute at 20 p.s.i. residual pressure may be granted by the Fire Chief in his or her sole discretion under the following circumstances:

1. The building is protected throughout with an automatic fire sprinkler system in accordance with NFPA 13-D, and VFD requirements, and the applicant has submitted a written statement to the Fire Chief explaining the practical difficulties that preclude the applicant from providing the required 1,500 gallons per minute at 20 p.s.i. fire-flow.

4-1. Definitions:

Section 202 of Chapter 2 is amended to include the following definitions:

- 4-2 "AREA SEPARATION WALL:** For the purposes of calculating the total building floor area square footage specific to the local fire sprinkler requirements, an area separation wall shall be a fire wall dividing a building into separate areas, each of which may be considered a separate building provided the area separation walls are not less than 4-hour fire walls as defined in the city's building codes."

- 4-3. **FIRE TRAIL:** An approved dirt road at least 18 feet wide, installed for the purpose of providing Fire Department access to wildland and open space areas during dry seasons of the year.”
- 4-4. **FIREBREAK:** A strip devoid of flammable vegetation, such as a strip of bare mineral soil or irrigated landscaping (i.e. green belt), which can be used as a barrier to the spreading of fire without modification or improvement.”
- 4-5. **MEMBER:** Any person involved in performing the duties and responsibilities of the Fire Department, under the auspices of the Fire Department organization for the purposes of this code. A Fire Department member may be a full-time or a part-time employee, a paid or unpaid volunteer, may occupy any position or rank within the Fire Department, and may or may not necessarily engage in emergency operations.”

5. **Asphalt Kettles:**

Section 303.3.1 of Chapter 3 is added to read in full as follows:

“Fuel cylinders or containers used with roofing kettles or equipment shall be securely mounted and placed in such a manner as approved by the Fire Chief. All fuel lines from cylinders or containers shall be supported and/or securely mounted as approved by the Fire Chief.”

6. **Abatement of Waste Material, Weeds, and Dry Grass:**

Section 304.1.4 is added to Section 304.1 of Chapter 3 to read in full as follows:

“**304.1.4 Accumulation of combustible materials.** It shall be unlawful to accumulate or allow to accumulate or exist on any property any combustible waste matter, rubbish, weeds, dry grass, or other matter that creates a public nuisance, poses a threat to life, safety, or property, or creates a fire hazard. The Fire Chief may order or cause the abatement of such hazard or nuisance in the manner specified in Section 109.3.3 of this code.”

7. **Open Fires:**

Section 307.1.2 is added to Section 307.1 of Chapter 3 to read in full as follows:

“**307.1.2 Open fires.** No person may ignite, permit or maintain an open fire, including incinerators, open burning, and recreational fires, within the City limits.”

Exceptions:

1. Fires permitted by the Fire Chief for the burning of tree trimmings from commercial orchard operations exceeding 1 acre in size.
2. Fires properly contained in a barbecue pit, barbecue grill, approved outdoor fire pit, or approved outdoor fireplace when located in lawfully occupied premises or designated campsites.
3. Fires set or permitted by the Fire Chief in the performance of official duties, including, but not limited to, the following:
 - 3.1. Disease and pest control prevention in connection with agricultural activities.
 - 3.2. Improvement of wildlife habitat.
 - 3.3. The training of Fire Department personnel or members.
 - 3.4. Other special situations, as approved by the Fire Chief in his or her discretion, on a case by case basis.”

8. **Fire Apparatus Road Dimensions:**

Section 503.2.9 of Chapter 5 is added to read in full as follows:

"The required width of any fire apparatus access road, fire trail, fire lane, or driveway marked in accordance with Section 503.3, shall not be obstructed in any manner, including, but not limited to, by vehicles that are parked or left standing. Minimum required widths and clearances established under this Section shall be maintained at all times. Any obstructions in violation of this Section may be removed in the manner specified in Section 109.3.3 of this code."

9. Fire Apparatus Access Roads:

Section 503.2.10 is added to Section 503.2 of Chapter 5 to read in full as follows:

"503.2.10 Parking. Parking may be prohibited on or along a fire apparatus access road if, in the judgment of the Fire Chief, it is necessary to maintain clear and unobstructed access. The Fire Chief may require the owner, lessee, or other person in charge of the premises to paint the curbs red, install signs, or give other appropriate notice that parking is prohibited. It shall thereafter be unlawful for any such owner, lessee, or other person in charge of the premises to fail to install and maintain in good condition the painted curbs, signs, or other appropriate notice so prescribed."

10. Address Numbers:

Section 505.1 of Chapter 5 is amended to read in full as follows:

"Approved addresses shall be provided for all new and existing buildings or businesses and shall be located in such a position as to be plainly visible and legible from the street or road fronting the property. Address numbers and/or letters shall contrast with their background. In addition, any business that affords vehicular access to the rear through any driveway, alleyway, or parking lot may also be required to display the address number(s) on the rear of the building if, in the judgment of the Fire Chief, the number(s) is needed to identify the property."

11. Diagram for Multi-Dwelling and Commercial Complexes:

Section 505.1.1 is added to Section 505.1 of Chapter 5 to read in full as follows:

"505.1.1 Multiple dwelling or commercial complexes. At each main driveway entrance to a multiple dwelling or commercial complex, there shall be posted and positioned an illuminated diagram or map of the complex, which lists the individual addresses of all units in the complex. It shall thereafter be unlawful for any owner, lessee, or other person in charge of the complex to fail to update and maintain said diagram(s) or map(s) in good working condition."

12. Fire Protection Water Supplies:

Section 507.5.1 of Chapter 5 is amended to eliminate the Exception and to read in full as follows:

"Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet (122 m) from a fire 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 water mains shall be provided at a location(s) required by the Fire Code Official."

13. Obstruction of Fire Protection Systems and Hydrants:

Section 507.5.4 of Chapter 5 is amended to read in full as follows:

"No person shall park, stop, or leave standing any vehicle within six (6) feet of any fire hydrant (measured along the curb or edge of street) unless the vehicle is attended by a licensed driver

who is seated in the driver's seat and who can immediately move such vehicle in case of necessity. The Fire Department or its personnel shall not be deterred or hindered from gaining immediate access to fire protection equipment or hydrants. Posts, fences, vehicles, growth, trash, storage, and other materials or things shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible."

14. Fuel Fired Appliances:

Section 603.4 of Chapter 6 is amended to read in full as follows:

"Portable unvented fuel-fired heating equipment shall be prohibited in all buildings and structures.

Exception: Portable outdoor gas-fired heating equipment shall be allowed in accordance with Section 3803.2."

15. Chimneys and Appliances:

Section 603.6.6 is added to Section 603.6 of Chapter 6 to read in full as follows:

"603.6.6 Chimneys and Internal Combustion Engines.

603.6.6.1 Chimneys. In all new construction and when located within 200feet of a hazardous fire area, chimneys used in conjunction with fireplaces, barbecues, incinerators, or outdoor heating/burning appliances, in which solid or liquid fuel is used upon buildings, structures or premises, a spark arrester constructed with heavy wire mesh or other noncombustible material with openings not to exceed ½ inch (12.7 mm) shall be provided.

603.6.6.2 Internal combustion engines. The use of internal combustion engines is strictly regulated by requiring the use of spark arrestors and mufflers and restricting the location and use of such engines as follows:

1. No person shall use, operate, or allow to be operated any internal combustion engine that uses hydrocarbon fuels on or about any hazardous fire area unless the engine is equipped with a spark arrester maintained in effective working order.
2. Spark arresters affixed to the exhaust system of engines or vehicles 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.
3. A spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch 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.
4. Engines used to provide power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code.
5. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition."

16. Obstruction to fire protection equipment

Section 901.10 is added to Section 901 to read in full as follows:

"Unobstructed access to fire protection equipment shall be maintained at all times. The Fire Department or its personnel shall not be deterred or hindered from gaining immediate access to fire protection equipment."

17. Fire Sprinklers Required:

Section 903.2 of Chapter 9 is amended to read in full as follows:

"Regardless of any exception listed above or in the remainder of this code or the California Building Code, all buildings in excess of three stories or 35 feet in height, or that have a total floor area greater than 5,000 square feet, shall be equipped, throughout, with an approved fully automatic fire sprinkler system.

Buildings in existence prior to the effective date of this Section or its prior equivalent shall be exempt from the provisions of this Section until such time as any one or more of the following occurs:

1. Major changes or improvements (exceeding 25% of the fair market value) are made to the building.
2. There is an addition to or change in the building's occupancy classification."

18. Fire Alarm Response Charges:

Section 907.9.5.1 is added to Section 907.9.5 of Chapter 9 to read in full as follows:

"907.9.5.1. Fire service fees. Any person, who causes the Fire Department or its personnel to respond to a fire alarm in any building or structure under his or her control, and who has not provided or maintained required smoke detectors or fire alarm systems after having prior knowledge of such deficiencies, may be subject to the payment of fire service fees."

19. Hazard Identification Signs:

Section 2703.5.1.1 is added to Section 2703.5.1 of Chapter 27 to read in full as follows:

"Hazard identification signs. In addition to the design requirement in Section 2703.5, hazard identification signs shall be made using reflective materials as required by the Fire Chief."

20. Explosives and Fireworks:

Section 3301.2 is added to Section 3301 of Chapter 33 to read in full as follows:

"3301.2 Storage prohibited. Storage of explosives and blasting agents within the city limits is prohibited unless specifically authorized by the Fire Chief by issuance of a permit permitting such storage."

21. Explosives and Fireworks:

Section 3308.1.2 is added to Section 3308.1 of Chapter 33 to read in full as follows:

"Fireworks prohibited. The manufacturing, possession, storage, sale, use, and handling of fireworks or pyrotechnics of any kind, including snappers and those described as "safe and sane," is prohibited within the city.

Exception: The Fire Chief may issue 'special-use' permits for the possession, storage, use, and handling of fireworks and pyrotechnics by state-licensed contractors."

22. Aboveground Tank Storage of Flammable Combustible Liquids Outside:

Section 3406.2.4.4.1 is added to Section 3406.2.4.4 of Chapter 34 to read in full as follows:

"Tanks outside of buildings. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited, unless a special permit is issued by the Fire Chief."

23. Parking and Garaging:

Section 3811.4 is added to Section 3811 to read in full as follows:

"It shall be unlawful for anyone to leave, unattended, any vehicle loaded with hazardous materials, including but not limited to: explosives, compressed gas in excess of 20 liquid gallons, liquefied petroleum gases(LPG) in excess of 60 gallons, flammable or combustible liquids in excess of 60 gallons (excluding vehicle fuel tanks) within 2,000 feet of any residential, retail or commercial area, or any other area that is deemed unsafe in the reasonable opinion of the Fire Chief.

24. Buildings Exceeding 62,000 square feet in area:

Section D104.2 of Appendix D is amended to eliminate the exception and to read in full as follows:

"Building exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved apparatus access roads.

Chapter

14.20.272

ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF CERTAIN HAZARDOUS MATERIALS IS PROHIBITED

Sections:

- 14.20.272.010** Flammable Cryogenic Fluids in Stationary Containers
- 14.20.272.020** Class I and II Liquids in Outside Aboveground Tanks
- 14.20.272.030** Class I and II Liquids in Above-ground Tanks
- 14.20.272.040** Storage of Liquefied Petroleum Gases

14.20.272.010 Flammable Cryogenic Fluids in Stationary Containers.

The limits referred to in Section 3506.2 of the California Fire Code in which storage of flammable cryogenic fluids in stationary containers is restricted, are hereby established as follows: within 500 feet of any zoning district or area designated for residential use.

14.20.272.020 Class I and II Liquids in Outside Aboveground Tanks.

The limits referred to in Sections 3404.2.9.6.1 of the California Fire Code in which the storage of Class I and Class II flammable or combustible liquids in outside above-ground tanks is restricted are hereby established as follows: areas not zoned IP (Industrial Park) and/or not specifically designated for such use in a City Policy Plan or Specific Plan.

14.20.272.030 Class I and II Liquids in Above-Ground Tanks.

The limits referred to in Section 3406.2.4.4 of the California Fire Code in which the storage of Class I and Class II flammable or combustible liquids in above-ground storage tanks is restricted are hereby established as follows: areas not zoned IP (Industrial Park) and/or not specifically designated for such use in a City Policy Plan or Specific Plan.

14.20.272.040 Storage of Liquefied Petroleum Gases.

The limits referred to in Section 3804.2 of the California Fire Code in which storage of liquefied petroleum gas is restricted, are hereby established as follows: within 500 feet of any zoning district or area designated for residential use.

SECTION 3. Severability. If any section, subsection, phrase, or clause 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 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 be declared unconstitutional.

SECTION 4. Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

SECTION 5. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

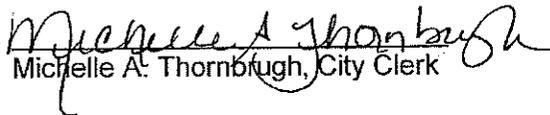
I HEREBY CERTIFY that this ordinance was introduced at a regular meeting of the City Council of the City of Vacaville, held on the March 8, 2011, and **ADOPTED AND PASSED** at a regular meeting of the City Council of the City of Vacaville, held on the 22nd day of March, 2011, by the following vote:

AYES: Council members, Harris, Hunt, Mashburn, Vice-Mayor Rowlett and Mayor Hardy

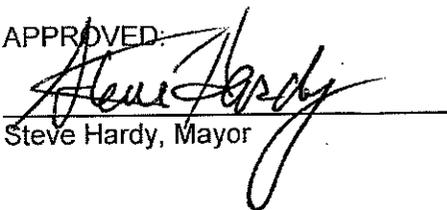
NOES: None

ABSENT: None

ATTEST:

BY: 
Michelle A. Thornburgh, City Clerk

APPROVED:


Steve Hardy, Mayor