

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



February 25, 2014

Brian T. Leong  
Building Official  
City of Fresno  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

RE: Ordinance #2014-1

Dear Mr. Leong:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on February 18, 2014.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in blue ink, appearing to read "Enrique M. Rodriguez", is written over a horizontal line.

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

BUILDING AND SAFETY SERVICES DIVISION  
2600 FRESNO STREET • THIRD FLOOR • ROOM 3043  
FRESNO, CALIFORNIA 93721-3604  
(559) 621-8082 • FAX (559) 498-4357  
www.fresno.gov

JENNIFER K. CLARK  
DEPARTMENT DIRECTOR

February 12, 2014

California Building Standards Commission  
2525 Natomas Park Dr., Suite 130  
Sacramento, CA. 95833-2936

Re: City of Fresno Local Amendments to the 2013 California Mechanical Code

Dear Commission:

Enclosed with this correspondence is Ordinance Bill No. B-39, which adopted the necessary findings to modify the 2013 California Mechanical Code to include local regulations related to installation of fireplaces and wood burning appliances. The findings are contained in Section 1 of the Ordinance Bill. The actual local amendments are located in Section 3 of the Ordinance Bill which will be codified as Fresno Municipal Code, section 11-106. The local amendment commences on page 11 of the Ordinance Bill.

The other local amendments are related to sections of the various Codes addressing administrative and procedural matters which do not require the finding related to local climatic, topographical and geological conditions.

The Fresno City Council introduced the Resolution and Ordinance Bill at its meeting on December 19, 2013, and then adopted the Resolution and Ordinance Bill at its meeting on January 9, 2013. As such, the Ordinance is scheduled to go into effect on or about February 9, 2014.

If you have any questions after reviewing this correspondence, the attached Resolution, or Ordinance Bill, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink that reads "Brian T. Leong". The signature is fluid and cursive, written over the typed name.

Brian T. Leong, C.B.O.  
Building Official  
City of Fresno

**CLERK'S CERTIFICATION**

**I, YVONNE SPENCE, City Clerk of the City of Fresno, County of Fresno, State of California, do hereby certify the foregoing to be a full, true and correct copy of City Council Ordinance No. 2014-1 adopted on January 9, 2014; now on file in my office.**

**IN, WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Fresno, California this 12<sup>th</sup> day of February, 2014.**

**YVONNE SPENCE, CMC**

City Clerk

By



Deputy City Clerk



BILL NO.B-39

ORDINANCE NO. 2014-1

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING FINDINGS RELATED TO LOCAL CLIMATIC, TOPOGRAPHICAL AND GEOLOGICAL CONDITIONS THAT MAKE THE AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE REASONABLY NECESSARY; REPEALING SECTIONS 11-101 THROUGH SECTION 11-109 OF ARTICLE 1, CHAPTER 11 OF THE FRESNO MUNICIPAL CODE, AND ADDING SECTIONS 11-101 THROUGH SECTION 11-109 OF ARTICLE 1 TO CHAPTER 11 RELATING TO THE ADOPTION AND AMENDMENT OF THE 2013 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, AND GREEN BUILDING STANDARDS CODES.

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

**SECTION 1: Findings.** Pursuant to California Health and Safety Code, section 17958.7 and 18941.5 the Council of the City of Fresno expressly finds that the proposed modification to Section 936 to California Mechanical Code restricting and regulating wood-burning appliances as set forth in Section 11-106 of the Fresno Municipal Code is reasonably necessary because of the following local climatic, geological and topographical conditions:

1. The San Joaquin Valley Air Pollution Control District reports, on average the San Joaquin Valley experiences 35-40 days that exceed the federal health-based standards for ground-level ozone and more than 100 days over the state ozone standard.

Date Adopted: 01/09/2014  
Date Approved 01/22/2014  
Effective Date: 02/24/2014

Page 1 of 17

Ordinance No.2014-1

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Date 2-12-2014



2. The EPA, California Air Resources Board, and Air Pollution Control District have conducted studies of winter-time PM pollution in the Fresno urbanized area, and have focused on wood-burning as a primary cause. They have found that wood-burning also generates excess toxic pollutants (PAHs, polyaromatic hydrocarbons) and carbon monoxide. These pollutants build up in Fresno under the inversion layer, leading not only to monitored pollutants that exceed state and federal standards, but to actual measurable increases in respiratory illnesses such as asthma attacks.
3. With regard to topographical conditions, the San Joaquin Valley Air Pollution Control District reports that The San Joaquin Valley Air Basin is approximately 250 miles long and is shaped like a narrow bowl. The sides and southern boundary of the "bowl" are bordered by mountain ranges. The bowl-shaped Valley collects and holds emissions and pollutants.
4. With regard to climatic conditions, the San Joaquin Valley's weather conditions include frequent temperature inversions, long hot summers with numerous days reaching temperatures in excess of 100 degrees, and stagnant, foggy winters, all which are conducive to the formation and retention of air pollutants. These characteristics cause the San Joaquin Valley to be unusually susceptible to air pollution problems.
5. Prohibiting wood burning appliances in new construction and regulating the number and type of wood burning appliances in existing buildings has significantly reduced the amount of toxic pollutants (PAHs, polyaromatic hydrocarbons) and carbon monoxide that is collected and held in the bowl-shaped Valley thus improving the Valley's air quality.

**SECTION 2.** Sections 11-101 through Section 11-109 of Article 1, Chapter 11 of the Fresno Municipal Code are repealed.

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City Clerk's Office  
Date       2-12-2014



**SECTION 3.** Sections 11-101 through Section 11-109 of Article 1, Chapter 11 are added to the Fresno Municipal Code to read:

**ARTICLE 1**

**CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL,  
MECHANICAL, PLUMBING, AND ENERGY CODE**

<b>Section</b>	
<b>11-101</b>	<b>California Building Code</b>
<b>11-102</b>	<b>Amendments to the California Building Code</b>
<b>11-103</b>	<b>California Residential Code</b>
<b>11-104</b>	<b>California Electrical Code</b>
<b>11-105</b>	<b>California Mechanical Code</b>
<b>11-106</b>	<b>Amendments to the California Mechanical Code</b>
<b>11-107</b>	<b>California Plumbing Code</b>
<b>11-108</b>	<b>California Energy Code</b>
<b>11-109</b>	<b>California Green Building Standards Code</b>

SECTION 11-101. CALIFORNIA BUILDING CODE. The California Building Code, 2013 Edition, which may be referred to in this Code as the CBC, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2012 edition of the of the International Building Code as amended with necessary California amendments and the 2012 International Building Code of the International Code Council, with the exception of Appendix B, are adopted and incorporated by reference into the Code and shall be referred to, along with the City's amendments to the CBC provided in Section 11-102, as the Fresno Building Code. One copy of the CBC is on file and available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

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Date 2-12-2014



SECTION 11-102. AMENDMENTS TO THE CALIFORNIA BUILDING CODE.

Pursuant to Health and Safety Code Sections 17958.7 and 18941.5, and section 1.1.8 of the CBC, the following provisions shall constitute local agency amendments to the CBC. The following provisions shall be inserted into the CBC based upon the chapter headings, appendices (if applicable) and section numbers indicated. If the section number is the same number as a number used in the CBC, the provision provided below is intended to replace the same numbered provision in the CBC.

CBC Chapter 1

103.1 Creation of the Enforcement Agency. The Development and Resource Management Department of the City of Fresno is hereby established in the City of Fresno as the appropriate code enforcement agency that shall be under the administrative and operational control of the Department Director.

104.1 General. The Director of the Development and Resource Management Department or his/her designee shall act on behalf of the City of Fresno as "Building Official". The Building Official is hereby authorized and directed to enforce all provisions of this code. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of the code provisions.

109.2 Schedule of Fees. All fees assessed in accordance with the provisions of the Fresno Building Code shall be set forth in the City of Fresno Master Fee Resolution.

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109.5 Related Fees. Where plans are of such complexity, incomplete, or are changed so as to require additional plan review time than contemplated by the fees set forth herein, an additional fee shall be shall be charged in accordance with the special services request provision under the Master Fee Resolution with the following exception:

- a) For commercial plans with multiple buildings of identical building footprints and floor plans, the plan review fee shall be as determined by the Building Official. The fee shall be based upon circumstances pertaining to the specific application and shall be designed to recover reasonable costs of the Development and Resource Management Department.

110.3.8 Other Inspections. The Building Official may at his/her discretion require inspections of differing trades to be combined in proper chronological order consistent with construction practices to facilitate the use of combination inspection assignments.

112.1 Connection of Service Utilities. Utility connections shall not be permitted until compliance with the provisions of the Fresno Municipal Code as set herein. Electrical Meter: Electrical meters shall be required to be in place and operational prior to final electrical inspection to facilitate testing and acceptance of the entire system. Installation of devices, fixtures, and wiring shall be completed and in working order for testing purposes.

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112.2.1 Construction Utilities. The Building Official may permit use of utilities for the purpose of construction provided no potential hazards to life or property is created and compliance with Article 590, CEC (Electrical) or Section 1208.0 CPC (Gas) is satisfied.

112.2 Temporary Power. The Building Official may permit use of utilities for temporary occupancy of a building or structure when circumstances exist to justify the issuance of a Temporary Certificate under Chapter 1 Section 111.3 of the CBC, and the owner enters into a security agreement with the City of Fresno, in a form approved by the Building Official, to insure completion of the required improvements. In addition, a deposit to secure such performance shall be made with the City of Fresno in an amount determined by the Building Official. The Building Official may, in his/her sole discretion, waive the requirement of a deposit.

Section 113 Board of Appeals Note.

Note: For additional requirements refer to Section 10-50108 of the Fresno Fire Code as established by the City of Fresno Fire Department.

113.1. General. In order to hear and decide appeals of orders, decisions or determinations by the Building Official relative to the application and interpretation of the Fresno Building Code, there shall be and is hereby created a board of appeals (hereafter referred to as the "Building Standards Appeals Board") consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City of Fresno.

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The Building Standards Appeals Board shall perform the following appeal duties:

- a) Determine the suitability of alternate materials, engineering designs, methods of construction and equipment.
- b) Provide reasonable interpretations of the provisions of the Fresno Building Code and other relevant codes.
- c) Hear and decide appeals from the orders of the Building Officials directing the vacation, repair, rehabilitation or demolition of dangerous buildings under the provisions of Chapter 11, Article 3 of the Fresno Municipal Code as applicable to compliance to the provisions set forth in the Fresno Building Code and other relevant codes.
- d) Hear and decide appeals pursuant to the provisions of Section 10-50108 of the Fresno Municipal Code.
- e) Hear and decide appeals from orders of the Building Official directing the vacation, repair, rehabilitation or demolition of substandard buildings under the provisions of Chapter 11, Article 4 of the Fresno Municipal Code as applicable to compliance to the provisions set forth in the Fresno Building Code and other relevant codes.

The Building Official shall serve as an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The Building Standards Appeals Board shall be appointed by the Mayor and shall hold office at the pleasure of the Mayor.

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Date 2-12-2014



The Building Standards Appeals Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

113.2.1 Limitations of Authority. The Building Standards Appeals Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

114.4.1 Violations. The person, firm, or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor.

#### CBC Chapter 9 Fire Protection Systems Note.

Note: For additional requirements refer to Fresno Fire Code Section as established by the City of Fresno Fire Department.

#### CBC Chapter 10

#### Section 1024 Luminous Egress Path Markings Note.

Note: For additional requirements refer to Section 10-51024 of the Fresno Fire Code as established by the City of Fresno Fire Department.

SECTION 11-103. CALIFORNIA RESIDENTIAL CODE. The California Residential Code, 2013 Edition, which may be referred to in this Code as the CRC, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2012 edition of the of the International Residential Code as amended with necessary

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California amendments and the 2012 International Residential Code of the International Code Council, are adopted and incorporated by reference into the Code, except that in addition to Chapter 1 of the CRC, Chapter 1 of the Fresno Building Code shall apply to the administration of the CRC. The CRC, incorporated into the Code shall be referred to as the Fresno Residential Code. For purposes of administering the Fresno Residential Code, all references in Chapter 1 of the Fresno Building Code to the "building code" or "code" shall mean and include the Fresno Residential Code. Where provisions of Chapter 1 of the Fresno Building Code overlap with provisions of Chapter 1 of the Fresno Residential Code, the Fresno Building Code controls. One copy of the CRC is on file and available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

SECTION 11-104. CALIFORNIA ELECTRICAL CODE. The California Electrical Code, 2013 Edition, which may be referred to in the Code as the CEC, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2011 Edition of the National Electrical Code as amended with necessary California amendments and the 2011 National Electrical Code of the National Fire Protection Association, are hereby adopted by the City of Fresno and incorporated by reference into the Code, except that Chapter 1 of the Fresno Building Code in addition to Article 89 of the California Electrical Code shall apply to the administration of the CEC. The CEC, incorporated into the Code shall be referred to as the Fresno Electrical Code. For purposes of administering the Fresno Electrical Code, all references in Chapter 1 of the Fresno Building Code to the "building code" or "code" shall mean and include the Fresno

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Date 2-12-2014



Electrical Code. Where provisions of Chapter 1 of the Fresno Building Code overlap with provisions of Article 89 of the Fresno Electrical Code, the Fresno Building Code shall control. One copy of the CEC is on file and available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

SECTION 11-105. CALIFORNIA MECHANICAL CODE. The California Mechanical Code, 2013 Edition, which may be referred to in the Code as the CMC, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2012 edition of the Uniform Mechanical Code as amended with necessary California amendments and the 2012 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, are hereby adopted by the City of Fresno and incorporated by reference into the Code, except that in addition to Chapter 1 of the CMC, Chapter 1 of the Fresno Building Code shall apply to the administration of the CMC. The CMC, incorporated into the Code, along with amendments to the CMC adopted in Section 11-106 shall be referred to as the Fresno Mechanical Code. For purposes of administering the Fresno Mechanical Code, all references in Chapter 1 of the Fresno Building Code to the "building code" or "code" shall mean and include the Fresno Mechanical Code. Where provisions of Chapter 1 of the Fresno Building Code overlap with provisions of Chapter 1 of the Fresno Mechanical Code, the Fresno Building Code controls. One copy of the CMC is on file and available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

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SECTION 11-106. AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE.

Pursuant to Health and Safety Code Sections 17958.7 and 18941.5 and section 1.1.8 of the CMC, the following provisions shall constitute local agency amendments to the CMC. The following provisions shall be inserted into the CMC based upon the section numbers indicated. If the section number used is the same as a number used in the CMC, the provision provided below is intended to replace the same numbered provision in the CMC.

CMC Chapter 9

936.0 Wood-burning Appliances

936.1 Definitions. Whenever the following terms are used in Section 933, they shall have the following meanings:

- a) EPA shall mean the United States Environmental Protection Agency.
- b) EPA CERTIFIED WOOD HEATER shall mean any wood heater that meets or exceeds combustion emissions standards set forth in the Code of Federal Regulations, Title 40, Part 60, 26 February 1988.
- c) FIREPLACE shall mean any masonry or factory-built device to burn wood, composition fire logs, or other solid fuel, with or without a gas log or log lighter, which may have a firebox in excess of 20 cubic feet, which may weigh in excess of 800 kilograms, and which is not a pellet-fueled wood stove.
- d) FIREPLACE INSERT shall mean a type of wood heater which is designed to be installed in the opening of a wood-burning fireplace and is connected to the chimney.

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- e) NEW CONSTRUCTION shall mean any construction or reconstruction or remodeling of any structure requiring the issuance of a building permit by the City of Fresno.
- f) PELLET-FUELED WOOD STOVE shall mean any commercially manufactured enclosed combustion appliance that is designed to operate on automatically fed pelletized wood fuel and has a usable firebox volume of less than 20 cubic feet.
- g) MANUFACTURED FIREPLACE shall mean any fireplace that is of unitary commercial manufacture and is not synthesized on site of masonry construction components.
- h) STATE OF OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY STANDARDS shall mean the performance and emission standards set forth in Sections 100 through 190 of Chapter 340, Division 21, Oregon Administrative Rules.
- i) WOOD-BURNING APPLIANCE shall mean any device that is designed or used to burn wood, composition wood pellets, or composition fire logs for aesthetic, space heating, cooking, and/or water heating purposes within a structure; to include fireplaces, pellet-fueled wood stoves, and wood heaters.
- j) WOOD HEATER shall mean a commercially-manufactured, enclosed wood-burning appliance that meets all the following criteria:
- 1) A usable firebox volume of less than 20 cubic feet; and
  - 2) A maximum weight less than 800 kilograms, exclusive of chimney and other accessory devices that are not an integral part of the appliance; and

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- 3) A combustion air-to-fuel consumption ratio which averages less than 35-to-1, as determined by EPA certification test procedures set forth in code of Federal Regulations, Title 40, Part 60, 26 February 1988; and
- 4) A minimum burn rate with less than five kilograms per hour fuel consumption, as determined by EPA certification test procedures set forth the Code of Federal Regulations, Title 40, Part 60, 26 February 1988.

936.1.1 All Wood-burning Appliances Prohibited in New Construction. Notwithstanding any other provision in the Fresno Municipal Code, no wood burning appliance, as defined herein, shall be installed in any new construction. This section shall not apply to any residential structure or dwelling unit having a lawfully installed wood burning appliance in place as of the effective date of this ordinance.

936.2 Installation of Wood-burning Appliances not permitted in Higher Density Residential Developments. Permits shall not be issued for wood-burning appliances to be installed in dwelling units of residential projects that have densities of more than 10.37 dwelling units per gross acre. However, one wood-burning appliance may be constructed or installed in each common-use recreation facility in these developments.

936.3 Wood-Burning Appliances Require Air Pollution Emissions Certification. Permits shall be issued only for replacement of existing wood burning appliances lawfully installed prior to the effective date of this ordinance and be issued only for those wood burning appliances certified by the U.S. Environmental Protection Agency (EPA) as

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City Clerk's Office  
Date 2-12-2014





If permit(s) were secured to abate the illegal installation, prior to discovery of the illegal installation by the City, no notice shall be issued nor inspection/investigation fee incurred unless the permit(s) to abate the nuisance are not finalized within 90 days.

SECTION 11-107. CALIFORNIA PLUMBING CODE. The California Plumbing Code, 2013 Edition, which may be referred to in the Code as the CPC, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2011 edition of the Uniform Plumbing Code as amended with necessary California amendments and the 2011 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, are hereby adopted by the City of Fresno and incorporated by reference into the Code, except that in addition to Chapter 1 of the CPC, Chapter 1 of the Fresno Building Code shall apply to the administration of the CPC. The CPC, incorporated into the Code shall be referred to as the Fresno Plumbing Code. For purposes of administering the Fresno Plumbing Code, all references in Chapter 1 of the Fresno Building Code to the "building code" or "code" shall mean and include the Fresno Plumbing Code. Where provisions of Chapter 1 of the Fresno Building Code overlap with provisions of Chapter 1 of the Fresno Plumbing Code, the Fresno Building Code controls. One copy of the CPC is on file and available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

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City Clerk's Office

Date 2-12-2014



SECTION 11-108. CALIFORNIA ENERGY CODE. The California Energy Code, 2013 Edition as promulgated by the California Building Standards Commission is hereby adopted by the City of Fresno and incorporated into the Code and shall be referred to as the Fresno Energy Code. One copy of the California Energy Code is on file and available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

SECTION 11-109. CALIFORNIA GREEN BUILDING STANDARDS. The California Green Building Standards Code, 2013 Edition, which may be referred to in the Code as CALGreen, as promulgated by the California Building Standards Commission is hereby adopted by the City of Fresno and incorporated into the Code and shall be referred to as the Fresno CALGreen Code. One copy of the California Green Building Standards Code is on file and available for use by the public in the Development and Resource Management Department, Building and Safety Services Division.

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Date 2-12-2014



SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

///  
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\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 9th day of January, 2014.

AYES : Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval: \_\_\_\_\_ N/A, 2014

Mayor Approval/No Return: \_\_\_\_\_ January 22, 2014

Mayor Veto: \_\_\_\_\_ N/A, 2014

Council Override Vote: \_\_\_\_\_ N/A, 2014

YVONNE SPENCE, CMC  
City Clerk

BY: *Yvonne Spence*  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE  
BY: *[Signature]*  
[Name] Deputy [date]  
TALIA KOURI-BARBICK 1/27/14

Attachment:  
• Exhibit A

Certified Copy *[Signature]*  
City Clerk's Office  
Date 2-12-2014



January 9, 2014

RECEIVED

Council Adoption: 1/9/2014
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN
FROM: YVONNE SPENCE, CMC City Clerk

2014 JAN 22 AM 10:38
CITY CLERK'S OFFICE FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 1/9/14, Council adopted the attached Ordinance No. 2014-1 entitled Adopting express findings of necessity related to local climatic, topographical, and geological conditions which make the City's amendments to the California Mechanical Code reasonably necessary, Item No. 1J2, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes : None
Absent : None
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before January 21, 2014. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

\*\*\*\*\*

APPROVED NO RETURN:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_
\_\_\_\_\_

Ashley Swearingin, Mayor

Date: \_\_\_\_\_

COUNCIL OVERRIDE ACTION:

Date: \_\_\_\_\_

Ayes :
Noes :
Absent :
Abstain :

Certified Copy [Signature]
City Clerk's Office
Date 2-12-2014

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



February 10, 2014

Justin H. Beal  
Supervising Fire Inspector  
City of Fresno Fire Dept.  
911 H Street  
Fresno, CA 93721

RE: Ordinance #2014-2

Dear Mr. Beal:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on February 4, 2014.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez", is written over a horizontal line.

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



Kerri L. Donis, CFO, EFO, MSOL  
Fire Chief

Fresno Fire Department  
911 H Street  
Fresno, CA 93721-3083  
www.fresno.gov

California Building Standards Commission  
2525 Natomas Park Dr., Suite 130  
Sacramento, CA. 95833-2936

Re: City of Fresno Local Amendments to the 2013 California Fire Code

Dear Commission:

Enclosed with this correspondence is Resolution No. 2014-4 and Ordinance Bill No. 2014-2, which adopted the necessary findings to modify the 2013 California Fire Code to include local regulations generally characterized as relating to (1) fire sprinkler systems; (2) luminous exit markings; (3) additional regulation of lumber yards, woodworking, recycling, and waste handling facilities; and (4) additional regulation of motor fuel dispensing and repair garages, locations of above-ground tanks, the amount of Class I and Class II liquids at farms and construction sites in above-ground tanks and basement storage of flammable liquids. The findings are contained in the Resolution, which is incorporated and adopted into the Ordinance Bill. The actual local amendments are located in Section 3 of the Ordinance Bill starting on the first page, and will codified as Fresno Municipal Code, Article 10 of Chapter 5.

The other local amendments are related to sections of the various Codes addressing administrative and procedural matters which do not require the finding related to local climatic, topographical and geological conditions.

The Fresno City Council introduced the Resolution and Ordinance Bill at its meeting on December 19, 2013, and then adopted the Resolution and Ordinance Bill at its meeting on January 9, 2013. As such, the Ordinance is scheduled to go into effect on or about February 9, 2014.

If you have any questions after reviewing this correspondence, the attached Resolution, or Ordinance Bill, please do not hesitate to contact the undersigned.

Sincerely,

Justin H. Beal, Supervising Fire Inspector

Office of the Fire Chief: (559) 621-4002 • FAX (559) 498-4261  
Planning and Support Services Command: (559) 621-4199 • FAX (559) 498-4323  
Community and Professional Services Command: (559) 621-4181 • FAX (559) 498-4323  
Training, Education, and Safety Unit: (559) 621-4200 • FAX (559) 488-1001

***"To protect and put service above all else"***



Yvonne Spence, CMC  
City Clerk

### CLERK'S CERTIFICATION

I, **YVONNE SPENCE**, City Clerk of the City of Fresno, County of Fresno, State of California, do hereby certify the foregoing to be a full, true and correct copy of City Council **Ordinance No. 2014-2 adopted on January 9, 2014**; now on file in my office.

**IN, WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of the City of Fresno, California this 30<sup>th</sup> day of January, 2014.

**YVONNE SPENCE, CMC**  
City Clerk

By *Sherri L. Badentocher*  
Deputy City Clerk









101.1. Title. This code shall be known as the Fresno Fire Code, may be cited as such, and shall be referred to herein as "this Code." When used here, "CFC" means the 2013 California Fire Code, with such amendments as adopted by the State of California and the 2012 International Fire Code, including appendix Chapters E and F, as adopted and amended in this article.

#### SECTION 10-50101.1.1. FIRE ZONES.

Section 10-50101.1.1 of the Fresno Municipal Code is added to read:

101.1.1. Fire Zones. For the purpose of this Code, the entire city shall be divided into three fire zones classified and known as Fire Zone No. 1, Fire Zone No. 2, and Fire Zone No. 3. The boundaries and limits of each such Fire Zone are shown upon a map designated Zone Map No.166, Fresno, California, dated June 9, 1974, consisting of one sheet on file in the office of the fire code official, which with any amendments thereto, is hereby adopted and made a part of this chapter as though fully set forth herein.

Whenever in this Code reference is made to any Fire Zone, such reference shall be construed to mean one of the Fire Zones designated on said map and amendments thereto.

#### SECTION 10-50101.1.2. LIMITS ESTABLISHED BY LAW.

Section 10-50101.1.2 of the Fresno Municipal Code is added to read:

101.1.2. Limits Established by Law. The limits referred to in Sections 5704.2, 6104.2 and Chapter 56 of the California Fire Code shall mean those locations noted by fire department policy.

#### SECTION 10-50102.3. CHANGE OF OCCUPANCY.

Section 102.3 of the California Fire Code is amended to read:

102.3. Change of Use or Occupancy. No change shall be made in the use or occupancy of any structure, which would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the California Building Code. Subject to the approval of the fire and building code officials, the use or occupancy of an existing structure shall be allowed to be changed, and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the California Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.



#### SECTION 10-50102.6. HISTORIC BUILDINGS.

Section 102.6 of the California Fire Code is amended to read:

102.6. Historic Buildings. The provisions of this Code relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with Part 8 of Title 24 of the 2013 California Historic Building Code, as amended.

#### SECTION 10-50103.1. GENERAL.

Section 103.1 of the California Fire Code is amended to read:

103.1. General. The department of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code. Whenever the terms "department of fire prevention," "fire prevention bureau," "fire prevention division", or "community risk reduction unit" are used in this Code or the Fresno Municipal Code, the terms shall mean those personnel assigned to, and engaged in, the prevention or investigation of fire on behalf of the City of Fresno Fire Department.

#### SECTION 10-50103.2. APPOINTMENT

Section 103 of the California Fire Code is amended to read:

103.1. Appointment. The fire code official, not including a designee, shall be appointed by the chief appointing authority of the jurisdiction.

#### SECTION 10-50104.3.2. INSPECTION FREQUENCY.

Section 10-50104.3.2 of the Fresno Municipal Code is added to read:

104.3.2. Inspection Frequency. The fire code official shall be authorized to establish a minimum inspection frequency for all occupancy groups where not already determined by the State of California Health and Safety Code.

#### SECTION 10-50105.6. REQUIRED OPERATIONAL PERMITS.





105.6.48. Exterior Storage. An operational permit is required for the exterior storage of more than 5,000 square feet of tires, pallets, bin boxes, wood or plastic products, other combustible finished materials or wood chips, hogged material, fines, compost, and raw product associated with yard waste and recycling facilities.

#### SECTION 10-50105.7. REQUIRED CONSTRUCTION PERMITS.

Section 105.7 of the California Fire Code is amended to read:

105.7. Required Construction Permits. The fire code official is authorized to issue construction permits for work as set forth in Section 105.7.1 through Section 105.7.14. Required permits will be issued only for those operations where a permit fee has been established by Master Fee Schedule resolution.

#### SECTION 10-50105.7.1. AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

Section 105.7.1 of the California Fire Code is amended to read:

105.7.1. Automatic Fire Extinguishing Systems. A construction permit is required for installation of or modification to an automatic fire extinguishing system.

#### SECTION 10-50105.7.11. LP-GAS.

Section 105.7.11 of the California Fire Code is amended to read:

105.7.11. LP-Gas. A construction permit is required for installation or modification of LP-Gas tanks with a capacity (single or aggregate) in excess of 125 gallons.

#### SECTION 10-50108. BOARD OF APPEALS.

Section 108 of the California Fire Code is amended to read:

108.1. General. In order to hear and decide appeals of orders, decisions, or determinations by the fire code official relative to the application and interpretation of the Fresno Fire Code, there shall be and is hereby created a board of appeals (hereafter referred to as the "Building Standards Appeals Board") consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and hazards of fire, explosions, hazardous conditions, or fire protection systems, who are not employees of the City of Fresno.

The Building Standards Appeals Board shall perform the following appeal duties:



- a) Determine the suitability of alternate materials, engineering designs, methods of construction, and equipment.
- b) Provide reasonable interpretations of the provisions of the Fresno Fire Code and other relevant codes.

Exception: Appeals of administrative citations, fees, penalties, or charges that may be levied by the fire department such as suppression costs, mitigation costs, clean-up costs, re-inspection charges, false alarm charges, or failure to comply with written citations or notices, shall comply with Fresno Municipal Code, Chapter 1, Article 4.

The building official shall serve as an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The Building Standards Appeals Board shall be appointed by the Mayor and shall hold office at the pleasure of the Mayor.

The Building Standards Appeals Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

108.2. Limitations of Authority. The Building Standards Appeals Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this Code. An economic condition shall not be considered as a basis for an appeal of the provisions of this Code.

#### SECTION 109.3.1. SERVICE.

Section 109.3.1 of the California Fire Code is amended to read:

109.3.1. Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition of violation either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned properties, a copy of such notice shall be sent by first class mail to the last known address of the owner, occupant, or both. The fire code official is authorized to issue an administrative citation for abatement of violations of this code in accordance with Fresno Municipal Code, Chapter 1, Article 3 and written policy. SECTION 50109.4. VIOLATION PENALTIES.

Section 109.4 of the California Fire Code is amended to read:



109.4. 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 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 issued used under provisions of this code shall be guilty of a misdemeanor. Upon failure to comply with a written notice of violation, the fire code official is authorized to impose penalties and, or seek legal action in accordance with Fresno Municipal Code, Chapter 1, Article 3. Each day that a violation continues shall be deemed a separate offense.

109.3.1. Abatement of Violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. Such action is subject to the cost recovery provisions of Section 109.5.

#### SECTION 10-50109.5. COST RECOVERY.

Section 109.5 of the Fresno Municipal Code is added to read:

109.5. Cost Recovery. The fire code official or designee may seek recovery of any direct or indirect costs for fire prevention, fire suppression, hazardous material incident response, and protection of the public from fire and life safety hazards. Additionally, acts caused from serious negligence or carelessness, an intentional wrongful act, malice, or failure to comply with a written notice of violation will be subject to the cost recovery program set forth in Fresno Municipal Code, Chapter 1, Article 5, and the Master Fee Schedule.

#### SECTION 10-50110.1. GENERAL.

Section 110.1 of the California Fire Code is amended to read:

110.1. General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes an 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 as may be required by Fresno Municipal Code, Chapter 11, Article 4, Dangerous Building Regulations.

#### SECTION 10-50111.4. FAILURE TO COMPLY.



Section 111.4 of the California Fire Code is amended to read:

111.4. Failure to Comply. Any persons 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 an administrative citation or other judicial or administrative action in accordance with Section 109.4.

#### SECTION 10-50113.6. FEES FOR FIRE INSPECTIONS.

Section 10-50113.6 of the Fresno Municipal Code is added to read:

113.6. Fees for Fire Inspections. The fire code official shall be authorized to charge a fee for fire inspections of existing buildings and properties within the City of Fresno. Fees for such services shall be in accordance with the Master Fee Schedule.

### DEFINITIONS

#### SECTION 10-50202. GENERAL DEFINITIONS.

The following definition in Section 202 of the California Fire Code is amended to read:

**FIRE CODE OFFICIAL.** The fire chief charged with the administration and enforcement of the code, or a duly authorized representative.

The following definition in Section 202 of the California Fire Code is added to read:

**FIRE MARSHAL.** A chief fire officer of the fire department or a duly authorized representative, who is charged with either the prevention or investigation of fires.

### GENERAL PRECAUTIONS AGAINST FIRE

#### SECTION 10-50304.4. RECYCLING AND WASTE HANDLING FACILITIES.

Section 10-50304.4 of the Fresno Municipal Code is added to read:

304.4. Recycling and Waste Handling Facilities. See Chapter 28 of the CFC for specific requirements related to recycling and waste handling facilities.

#### SECTION 10-50304.5. DUMPING OF COMBUSTIBLE WASTE MATERIAL.

Section 10-50304.5 of the Fresno Municipal Code is added to read:



304.5. Dumping of Combustible Waste Material. No owner or occupant of any lot or premises shall maintain thereon any rubbish or waste material likely to become easily ignited, and, provided further, no person shall place, deposit, or leave any piles of dirt, metallic cans, combustible waste, or rubbish on any property not owned or controlled by such person or persons.

#### SECTION 10-50304.6. REMOVAL OF DEBRIS.

Section 10-50304.6 of the Fresno Municipal Code is added to read:

304.6. Removal of Debris. Any person having in their possession or under their control, upon any premises, any kind of materials, which have been rendered useless or un-merchandiseable by reasons of any fire on the premises, or any other debris resulting from such fire, must commence to remove the same from the premises within twenty-four hours after notice to do so from the fire department, and must thereupon proceed with and diligently carry on the work of such removal until the same has been completed.

#### SECTION 10-50307.1.1. PROHIBITED OPEN BURNING.

Section 10-50307.1.1 of the Fresno Municipal Code is amended to read:

307.1.1. Prohibited Open Burning. Notwithstanding other provision in Section 307, open burning is prohibited as follows:

1. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.
2. Open burning in violation of the rules or regulations promulgated by the San Joaquin Valley Air Pollution Control District.
3. The fire code official is authorized to order, or effect the immediate extinguishment, of any open burning when in the opinion of the fire code official is reasonably necessary for safety and protection of life and health, and may issue administrative citations and seek to recover costs in accordance with Sections 109.4 and 109.5 of this Code.

#### SECTION 10-50311.1.1. ABANDONED PREMISES.

Section 311.1.1 of the California Fire Code is amended to read:



311.1.1. Abandoned Premises. Buildings, structures, and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe, and abated by demolition or rehabilitation in accordance with the Fresno Municipal Code, Chapter 11, Article 4 (Dangerous Building Ordinance).

#### SECTION 10-50312.1. GENERAL.

Section 10-50312.1 of the California Fire Code is amended to read:

312.1. General. Vehicle impact protection required by this Code shall be provided by posts that comply with Section 312.2 of the CFC or by other approved physical barriers that comply with 312.3 of the CFC

Exception: Fire hydrants and fire sprinkler risers may be protected in accordance with Public Works Standard W-23 (Fire hydrant installation with protector posts).

#### SECTION 10-50315.4.3. ADDITIONAL REQUIREMENTS FOR OUTSIDE STORAGE.

Section 10-50315.4.3 of the Fresno Municipal Code is added to read:

315.4.3. Additional Requirements for Outside Storage. Outside storage of tires shall be in accordance with Chapter 24 of the CFC. Outside storage of idle pallets, plastic or wooden finished products, baled material, or similar products shall be in accordance with fire department policy. Outdoor storage at lumber yards, woodworking, recycling, and waste handling facilities shall be in accordance with Chapter 28 of the CFC. An approved water supply for firefighting purposes shall be provided in accordance with Section 507 of the CFC.

### FIRE SERVICE FEATURES

#### SECTION 10-50505.1. PREMISES IDENTIFICATION.

Section 505.1 of the California Fire Code is amended to read:

505.1 Address Identification. New and existing buildings shall have approved address numbers placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with





## **DECORATIVE MATERIALS OTHER THAN DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS**

### **SECTION 10-50807.4.2.3. WOOD USE IN GROUP A-3 PLACES OF RELIGIOUS WORSHIP.**

Section 807.4.2.3 of the California Fire Code is amended to read:

807.4.2.3 Wood use in Group A-3 places of religious worship. In new and existing places of religious worship, wood used for ornamental purposes, trusses, paneling or chancel furnishing shall be allowed where such material meets the flame spread requirements found in Table 803.3.

## **FIRE PROTECTION SYSTEMS**

### **SECTION 10-50901.4.4. ADDITIONAL FIRE PROTECTION SYSTEMS.**

Section 901.4.4 of the California Fire Code is amended to read:

901.4.4. Additional fire protection systems. In any occupancies of a hazardous nature, where special hazards exist in addition to the normal hazards of the occupancy, or where the fire code official determines that access for fire apparatus is unduly difficult, the fire code official shall have the authority to require additional fire protection systems, equipment or a combination thereof. Such systems include, but shall not be limited to, the following: automatic fire detection systems, fire alarm systems, automatic fire-extinguishing systems, standpipe systems, or portable or fixed extinguishers. Any additional fire protection systems or equipment required under this section shall be installed in accordance with this Code, the applicable referenced standards, fire department policy and be considered a required system in accordance with section 901.4.1.

901.4.6. Removal of prohibited equipment. Any device that is prohibited by section 901.4.5 shall be immediately removed upon written order of the fire code official.

### **SECTION 10-50903.1. GENERAL.**

Section 903.1 of the California Fire Code is amended to add the following sub-sections:



903.1.2. Determination of Building Area. For purposes of determining building area for automatic fire sprinkler system requirements, the following criteria shall be used:

1. Fire walls, fire barriers, fire partitions, or horizontal fire assemblies as defined in this Code shall not be considered to create separate buildings or fire areas for determining automatic fire sprinkler requirements.

Exceptions:

(a) Party walls located on a lot line between two buildings in accordance with California Building Code, Section 706.

(b) Fire walls without openings installed in accordance with California Building Code, Section 706 and with specific fire wall requirements in Section 903.2 of this Code based on occupancy.

2. Determination of building area for combustible construction shall be measured to the building perimeter roof drip line, including architectural features, such as, but not limited to, mansards, towers, porte cocheres, etc., with the exception of 44" maximum depth roof eaves. For non-combustible construction, building area shall include all perimeter roof areas exceeding 44" that are required by NFPA 13 to have fire sprinkler protection under the projection. The area of open shafts or courts need not be included in calculating floor area. When multiple buildings are considered as one building per California Building Code Section 705.3, the combined floor areas shall be used to determine the automatic fire sprinkler requirements.

#### SECTION 10-50903.2. WHERE REQUIRED.

Section 903.2 of the California Fire Code is amended to read:

903.2. Approved automatic fire sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Additionally, an approved automatic fire sprinkler system shall be installed when the fire area is 5,000 square feet or larger in any Group A, B, E, F, M. and S occupancy groups.

Exceptions:



1. F-2 and S-2 occupancies of non-combustible construction and with contents stored, used or manufactured that are classified as non-combustible. Accessory uses such as administrative offices and break rooms that, in total, do not exceed 10% of the building area and any single accessory use area does not exceed 5,000 square feet does not require fire sprinklers. An operational statement shall be submitted to the Development and Resource Management Department with building plan submission and the owner shall execute a covenant running with the land agreeing to the installation of the required automatic extinguishing system if the use changes from the approved non-combustible limitations.

2. Detached S-2 occupancy carports of non-combustible construction, without exterior walls, used exclusively for the parking of motor vehicles that meet the setback requirements to real and assumed property lines per Table 602 of the California Building Code. Installation of solar panels on the roof of such carports is permissible when using this exception.

#### SECTION 10-50903.3.1. INSTALLATION REQUIREMENTS.

Section 903.3.1 of the California Fire Code is amended to read:

903.3.1. Standards. Sprinkler systems shall be designed in accordance with Sections 903.3.1.1, 903.3.1.2, and 903.3.1.3. Automatic fire sprinklers or fire sprinkler systems not required by the California Fire or Building Codes may be of any type approved by the fire code official.

903.3.1.1. NFPA 13 Sprinkler Systems. Where the provisions of this Code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this Section, sprinklers shall be installed throughout in accordance with NFPA 13 as amended in Chapter 80 except as provided for in Sub-Sections 903.3.1.1.1 through 903.3.1.1.4.

903.3.1.1.2. Group R Mixed Occupancy Buildings. Mixed occupancy buildings containing Group R occupancies shall be provided with automatic sprinkler systems in accordance with Section 903.3.1.1 (NFPA 13). The R-2 or R-3 residential portion of a mixed occupancy building shall be provided with fire sprinkler piping and control valves arranged so that the automatic sprinkler system can remain in service independent of non-residential occupancies.



Exceptions:

1. Mixed occupancy buildings where a vertical fire barrier with no openings is provided in accordance with California Building Code, Section 707 separating the R occupancy from other uses may have automatic fire sprinkler systems installed in the residential portion in accordance with Sections 903.3.1.2 (NFPA 13R) or 903.3.1.3 (NFPA 13D) as applicable. Separate control valves shall be installed as indicated above unless otherwise approved by the fire code official.

2. Group R-1 or R-2 occupancies with accessory occupancy groups that do not require installation of fire sprinklers by Section 903.2.

903.3.1.1.3. Joint Live Work Units Quarters. Where joint live/work residential dwelling units are constructed in accordance with Fresno Municipal Code, Chapter 11, Article 7, automatic sprinkler systems shall be designed in accordance with Section 903.3.1.1 (NFPA 13).

903.3.1.2. NFPA 13R Sprinkler Systems. Automatic sprinkler systems in Group R occupancies up to and including three stories in height shall be permitted to be installed throughout in accordance with NFPA 13R as amended in Chapter 80 except where prohibited in Sections 903.3.1.1.3 and 903.3.1.1.4

903.3.1.2.1. Balconies and Decks. Sprinkler protection shall be provided for exterior balconies, decks, ground floor patios, and entryways (enclosed on two or more sides) of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies, decks, and entryways that are constructed of open wood joist construction.

SECTION 10-50903.3.5.1.2. RESIDENTIAL COMBINATION SERVICES.

Section 903.3.5.1.2 of the California Fire Code is amended to read:



903.3.5.1.2. Residential Combination Services. A single combination water supply shall be allowed only when approved by the fire code official.

**SECTION 10-50903.3.8. FLOOR CONTROL VALVES.**

Section 10-50903.3.8 of the California Fire Code is amended to read:

903.3.8. Floor Control Valves. Floor control valves and water flow detection shall be provided in accordance with Section 903.4.3.

**SECTION 10-50903.4.3. FLOOR CONTROL VALVES.**

Section 903.4.3 of the California Fire Code is amended to read:

903.4.3. Floor Control Valves. Approved supervised indicating control valves and water flow switches shall be provided at the point of connection to the riser on each floor in buildings with three or more levels or where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access. The fire sprinkler system monitoring panel or remote annunciator panel shall be provided at an approved location readily accessible to the fire department indicating floor of activation of these devices.

Exception: NFPA 13R and 13D systems.

**SECTION 10-50903.6. WHERE REQUIRED IN EXISTING BUILDINGS AND STRUCTURES.**

Section 903.6 of the California Fire Code is amended to read:

903.6 Where required in existing buildings and structures. An approved automatic fire extinguishing system shall be provided in existing buildings and structures in those circumstances described in this Section and where required in Chapter 11. Installation requirements shall be as set forth for new buildings by Sections 903.2.1 through 903.2.10.

1. Building Additions. When additions exceed 25% of the existing building square footage and the total proposed building area is 5,000 square feet or larger, an approved automatic fire extinguishing system shall be installed throughout the building. The 25% threshold shall be cumulative over the life of the building.

Exception: Building additions of entirely non-combustible construction and non-combustible uses such as covered pedestrian walkways.

2. Change of Occupancy. In existing buildings 5,000 square feet or larger, when a Change of Occupancy, in accordance with the California Building Code, is made and the proposed new occupancy is more hazardous to life and safety than the existing occupancy, an approved automatic fire extinguishing system shall be installed throughout the building.

Exceptions:

(a) If the area in which the Change of Occupancy occurs is less than 25 percent of the actual floor area of the existing building and the area of the new occupancy is 4,999 square feet or less and an automatic fire extinguishing system is not required based on occupancy by Section 903, an automatic fire sprinkler or extinguishing system is not required for any portion of the building. The 25% limit is cumulative over the life of the building.

(b) If the area in which the Change of Occupancy occurs exceeds 25% but is less than 50% of the actual floor area of the existing building, only that portion of the building changing occupancy is required to have an approved automatic fire extinguishing system installed. An approved fire separation shall be required between portions of the building with an automatic fire extinguishing system and those portions without.

(c) If individual or cumulative Changes of Occupancy exceed 50% of the overall floor area of the existing building, then the entire building shall have an approved automatic fire extinguishing system installed throughout.

3. Fire Damage Repairs. An approved automatic fire sprinkler system shall be installed as a condition of damage fire damage repair building permit as follows:

(a) When a fire occurs in any existing occupancy, and the building permit repair costs exceed 50% of the current building valuation, an automatic fire extinguishing



system shall be installed throughout the building as required for a new building in Section 903.

(b) When a fire occurs in an R occupancy and building permit fire repair costs in the kitchen area of the dwelling unit(s) exceeds \$1,000, a single fire sprinkler head or other approved automatic extinguishing system shall be installed in the kitchen per fire department policy.

(c) Fire damage repair costs and building valuation shall be determined by the Building Official based on the current ICC Building Valuation Tables in use by the Development and Resource Management Department at the time of the issuance of the fire damage repair permit.

4. R-2 Condominium Conversions. Existing R-1 or R-2 buildings proposed for conversion to condominiums shall have an approved automatic fire extinguishing system installed throughout as a condition of approval.

5. A-2 Occupancies. In existing A-2 occupancies with occupant loads of 100 or more, an approved automatic fire extinguishing system shall be installed in the A-2 fire area as a condition of any building permit application that increases the occupant load of the assembly fire area as determined by the California Building Code.

In existing A-2 occupancies with occupant loads under 100, an approved automatic fire extinguishing system shall be installed in the A-2 fire area as a condition of any building permit application that increases the occupant load to 100 or more in the assembly fire area as determined by the California Building Code.

#### SECTION 10-50912.2.3. ADDRESS IDENTIFICATION.

Section 10-50912.2.3 of the Fresno Municipal Code is added to read:

912.2.3. Address Identification. For new and existing buildings, the fire code official is authorized to require approved address or building area identification signage as needed to readily determine the building or area of a building protected by fire department connections.

#### **MEANS OF EGRESS** (Luminous Egress Path Markings)



## SECTION 10-51024.1. GENERAL.

Section 10-51024.1 of the California Fire Code is amended to read:

1024.1. General. Approved luminous egress path markings delineating the exit path shall be provided in all new buildings three or more stories above grade or below grade in accordance with Sections 1024.1 through 1024.5.

### Exceptions:

1. Luminous egress path markings shall not be required on the level of exit discharge in lobbies that serve as part of the exit path in accordance with Section 1027.1, Exception 1.

2. Luminous egress path markings shall not be required in open parking garages that serve as part of the exit path in accordance with Section 1027.1, Exception 3.

3. R-3 occupancies.

1024.1.1. Existing Buildings. Existing Group R-1, R-2, I, and E buildings with 3 or more stories above or below grade and all buildings over three stories above grade or three or more stories below grade shall be retrofitted with luminous exit path markings in the enclosed stairways and associated exit pathways to the exterior no later than January 1, 2012. Exceptions 1, 2, and 3 above are applicable to retrofit requirements. Buildings subject to these retrofit provisions may use the Fresno Fire Department "Uniform Standard for Photoluminescent Exit Path Markings" or California Fire Code, Sections 1024.2 through 1024.5 as an installation standard. Stairway exit path markings in existence at the time of the initial effective date of Ordinance No. 2007-27 adopted on March 20, 2007, may continue to exist as installed subject to the approval of the fire code official.

1024.1.2. Maintenance. Luminous egress path markings required in this section shall be maintained in accordance with Sections 1024.1 through 1024.5 or fire department policy as applicable.

## CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

### SECTION 10-51107.4.1. DOOR SWING.

Section 1107.4.1 of the California Fire Code is added to read:



1107.4.1. Door Swing. When, in the opinion of the fire code official, it is essential for public safety in any existing building or occupancy, because of the number of persons served, or the nature of the operation, an owner, agent or lessee shall install doors that swing in the direction of egress travel, as required and approved when such places are open to the public, or when such operation is being conducted.

**SECTION 10-51107.4.2. DOOR HARDWARE.**

Section 1107.4.2 of the California Fire Code is amended to read:

1107.4.2. Door Hardware. When, in the opinion of the fire code official, it is essential for public safety in any existing building or occupancy, because of the number of persons served, or the nature of the operation, an owner, agent or lessee shall provide and maintain panic or fire exit hardware, as required and approved when such places are open to the public, or when such operation is being conducted.

**MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES**

**SECTION 10-52306.2.3. ABOVE-GROUND TANKS LOCATED OUTSIDE OF BUILDINGS, ABOVE GRADE.**

Section 2306.2.3 of the California Fire Code is amended to read:

1. Above-ground tanks used for outside above grade storage of Class I and II liquids shall be listed and labeled as protected above-ground tanks in accordance with Chapter 57. Such tanks shall be located in accordance with Table 2306.2.3.

2. Above-ground tanks used for above grade storage of Class III-A liquids are allowed to be protected above-ground tanks, or when approved by the fire code official, other above-ground tanks that comply with Chapter 34. Tank locations shall be in accordance with Table 2306.2.3.

3. Tanks containing fuels shall not exceed 12,000 gallons (45 420 L) in individual capacity or 48,000 gallons (181 680 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).

4. Tanks located at farms, construction projects, or rural areas shall comply with Section 5706.2.



## **LUMBER YARDS, WOODWORKING, RECYCLING, AND WASTE HANDLING FACILITIES**

### **SECTION 10-52801.1. SCOPE.**

Section 2801.1 of the California Fire Code is amended to read:

2801.1. Scope. The storage, manufacturing and processing of timber, lumber, plywood, veneers, wood by-products, compost and yard waste, un-baled recycled products, and similar materials shall be in accordance with this chapter. The title of this Chapter shall be "LUMBER YARDS, WOODWORKING, RECYCLING, AND WASTE HANDLING FACILITIES."

### **SECTION 10-52807.2. SIZE OF PILES.**

Section 2807.2 of the California Fire Code is amended to read:

2807.2. Size of Piles. Piles shall not exceed 20 feet (6.1 m) in height, 50 feet (15.2 m) in width and 250 feet (76.2 m) in length. Piles shall be separated from adjacent piles or other exposures (including, but not limited to, property lines, other storage, and buildings) by means of fire department access roadways. A 120 foot (36.6 m) by 90 foot (27.5 m) area shall be maintained available for use by the fire department for interim storage of pile breakdown material during fire suppression activities.

Exception: The fire code official is authorized to allow the pile size to be increased when additional fire protection is provided in accordance with Chapter 9. The increase shall be based on the capabilities of the system installed.

### **SECTION 10-52807.3. PILE FIRE PROTECTION.**

Section 2807.3 of the California Fire Code is amended to read:

2807.3. Pile Fire Protection. An approved water supply for firefighting purposes shall be provided in accordance with Section 507. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible or enclosed conveyor systems shall be protected by automatic sprinkler protection.

### **SECTION 10-52807.6. SECURITY.**

Section 10-52807.6 of the Fresno Municipal Code is added to read:



2807.6. Security. Areas shall be surrounded with an approved fence. Fences shall be a minimum of 6 feet (1.8 m) in height.

#### SECTION 10-52808.3. SIZE OF PILES.

Section 2808.3 of the California Fire Code is amended to read:

2808.3. Size of Piles. Piles shall not exceed 20 feet (6.1 m) in height, 50 feet (15.2 m) in width and 250 feet (76.2 m) in length. A 120 foot (36.6 m) by 90 foot (27.5 m) area shall be maintained available for use by the fire department for interim storage of pile breakdown material during fire suppression activities.

Exception: The fire code official is authorized to allow the pile size to be increased when additional fire protection is provided in accordance with Chapter 9. The increase shall be based on the capabilities of the system installed.

#### SECTION 10-52808.4. PILE SEPARATION.

Section 2808.4 of the California Fire Code is amended to read:

2808.4. Pile Separation. Piles shall be separated from adjacent piles or other exposures (including but not limited to, property lines, other storage, and buildings) by means of fire department access roads.

#### SECTION 10-52808.7. PILE FIRE PROTECTION.

Section 2808.7 of the California Fire Code is amended to read:

2808.7. Pile Fire Protection. An approved water supply for firefighting purposes shall be provided in accordance with Section 507. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible or enclosed conveyor systems shall be protected by automatic sprinkler protection.

#### SECTION 10-52808.11. SECURITY.

Section 10-52808.11 of the Fresno Municipal Code is added to read:

2808.11. Security. Areas shall be surrounded with an approved fence. Fences shall be a minimum of 6 feet (1.8 m) in height.

#### SECTION 10-52808.12. BALED MATERIAL AND IDLE PALLETS.

Section 10-52808.12 of the Fresno Municipal Code is added to read:



2808.12. Baled Material and Idle Pallets. For exterior storage of recycled baled material and idle pallets see Section 10-50315.4.3 and fire department policy.

## FIREWORKS AND EXPLOSIVES

### SECTION 10-55602. FIREWORKS ORDINANCE.

Section 5602 of the California Fire Code is amended to read:

#### 5602.1. Short Title.

This Section shall be known and cited as the "Fireworks Ordinance." When used, "this Section" means the Fireworks Ordinance.

#### 5602.2. Findings and Intent.

(a) This Section governs the imposition, enforcement, collection and administrative review of all administrative fines related to: the possession, use, storage, sale and/or display of those fireworks classified as dangerous fireworks in California Health and Safety Code, Section 12505 et seq. or the possession, use, storage, sale and/or display of Safe and Sane fireworks on or at dates, times, and/or locations other than those permitted by this Section. The administrative fines are imposed under authority of Government Code, Section 53069.4; Health and Safety Code, Section 12557; and, the police power of the City of Fresno.

(b) The issuance of an administrative citation to any person constitutes but one remedy of the City to redress violations of this Section. By adopting this Section, the City does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this Section which the City may otherwise pursue.

(c) The imposition of administrative fines under this Section shall be limited to persons who possess, use, sell and/or display, or the seizure of 25 pounds or less of dangerous fireworks or persons who possess, use, sell and/or display Safe and Sane fireworks on or at the dates, times, and/or locations other than those permitted by this Section.

(d) Administrative fines collected pursuant to this Section shall not be subject to Health and Safety Code, Section 12706. The administrative fines collected shall be allocated in compliance with Health and Safety Code, Section 12557, which requires the City to provide cost reimbursement to the California State Fire Marshal for reimbursement of



costs, including, but not limited to transportation, and disposal. Regulations are to be adopted by the California State Fire Marshal setting forth this allocation. Unless and until such regulations have been adopted by the State of California, the City shall hold in trust a \$250.00 fee in addition to any fine collected to cover the reimbursement to the California State Fire Marshal for the cost of transportation and disposal of the dangerous fireworks. This fee is non-refundable.

(e) Due to the serious threat of fire or injury posed by the use of dangerous fireworks or Safe and Sane fireworks on or at dates, times, and/or locations other than those permitted by this Section, this Section imposes strict civil liability upon the owners of residential real property for all violations of this Section existing on that property. Each contiguous use, display, and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.

(f) The fire code official or designee may seek cost recovery for any costs imposed on the Fire Department due to negligence, an intentional wrongful act, carelessness, or malice as set forth in Fresno Municipal Code, Chapter 1, Article 5, Section 10-50109.5 of this Code, and the Master Fee Schedule.

(g) This section shall not apply to the public display of fireworks in accordance with Section 5608.

(h) This section shall not apply to the storage and handling of Safe and Sane fireworks in accordance with the California Building Code for Class 1.4G fireworks.

#### 5602.3. Definitions.

(a) "Dangerous fireworks" shall include any items or materials listed as such in California Health and Safety Code, Section 12505.

(b) "Eligible organizations" means an organization or corporation, which has met all of the following criteria continuously for a minimum of one year preceding the filing of the application for a permit to display for sale or sell Safe and Sane fireworks.

(i) The organization and/or corporation must be a duly organized non-profit and tax-exempt charitable, religious, civic, patriotic, or community service organization or corporation with a current and valid 26 U.S.C Section 501(c)(3)(19) tax exemption from the Internal Revenue Service.



(ii) The organization must be headquartered within and clearly affiliated or identified with the City of Fresno.

(iii) The organization must be one which provides direct and regular community services and benefits to the citizens of the City of Fresno.

(iv) The organization must hold its regularly scheduled meetings within the City of Fresno.

(c) "Exempt fireworks" means any special item containing pyrotechnic compositions which the California State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, and agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

(d) "Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. These items include, but are not limited to:

(i) Devices designated by the manufacturer as fireworks.

(ii) Torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.

(e) "Safe and Sane fireworks" means any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks." All Safe and Sane fireworks shall be labeled with the Safe and Sane fireworks seal as authorized by the California State Fire Marshal.

#### 5602.4. General Prohibition Against Possession, Sale, Use and/or Display of Fireworks.

Except as otherwise provided in this Section, no person shall possess, sell, use, display, explode or discharge any fireworks within the City of Fresno.

#### 5602.5. Safe and Sane Fireworks: Exceptions.

(a) The sale and/or display of Safe and Sane Fireworks shall be permitted only during that period beginning at noon on June 28 and ending at noon on July 6 of the same year.



(b) Safe and Sane fireworks shall not be sold to any person under the age of sixteen (16).

(c) The use and discharge of Safe and Sane fireworks within the City of Fresno is permitted 365 days a year, between the hours of 7:00 a.m. and 10:00 p.m., except for the period of June 28 to July 6 when use and discharge will be allowed between the hours of 7:00 a.m. and 12:00 a.m.

#### 5602.6. Safe and Sane Fireworks Permits: Permits Required.

(a) It is unlawful for any person to sell Safe and Sane fireworks within the City of Fresno without a permit issued by the fire code official or designee.

(b) The fire code official is authorized to promulgate administrative rules and procedures necessary for the successful and effective implementation of this Section including rules and procedures governing the submission of applications for permits to sell Safe and Sane fireworks, inspections of fireworks stands, operation of fireworks stands, and such regulations relating to the sale of Safe and Sane fireworks as may be necessary for the protection of life and property. Said administrative rules and procedures shall be in writing and subject to approval by the City Attorney.

(c) The fire code official or designee shall be responsible for reviewing applications for permits to sell Safe and Sane fireworks.

#### 5602.7. Safe and Sane Fireworks: Applications.

(a) All organizations or corporations interested in obtaining a permit to sell Safe and Sane fireworks shall submit an application to the fire department on forms provided by the fire department. There is a non-refundable application fee established by resolution of the City Council and set forth in the Master Fee Schedule. This application fee shall be in addition to any fee or tax imposed by any other chapter or article of the Fresno Municipal Code.

(b) The fire code official or designee shall designate the time period when applications will be accepted.

(c) No organization shall submit more than one application. Submittal of more than one application shall be grounds for denial of all applications submitted by that organization.



(d) There shall be allowed a maximum of one fireworks stand for every five thousand (5,000) population in the City. A maximum of fifty new stands will be issued permits on an alternating two-year cycle.

(e) Participants are selected by lottery, which shall take place at a time and location determined by the fire code official or designee.

(f) The newly selected participants, as well as the previous year's participants, shall submit additional information as required by the fire department which shall be reviewed prior to issuance of any permits to sell Safe and Sane fireworks for the upcoming fireworks season.

#### 5602.8. Safe and Sane Fireworks: Issuance of Permits.

(a) No permit to sell Safe and Sane fireworks shall be issued to any organization except non-profit and tax-exempt organizations or corporations organized primarily for charitable, religious, civic, patriotic, or community service as defined in Section 10-55602.3(b).

(b) Upon notification that the organization has been selected by lottery to participate in the upcoming fireworks season, each organization shall provide additional information as required by the fire department including, but not limited to:

(i) A non-refundable fee established by resolution of the City Council and set forth in the Master Fee Schedule. This fee shall be in addition to any fee or tax imposed by any other chapter or article of the Fresno Municipal Code.

(ii) An executed Indemnification and Hold Harmless Agreement as required by the City's Risk Manager or the Risk Manager's designee.

(iii) Throughout the life of the permit, the applicant shall pay for and maintain in full force and effect policies of insurance as required by the City's Risk Manager or Risk Manager's designee. The policies of insurance shall name the City, its officers, officials, agents, employees and authorized volunteers as additional insured. The applicant shall submit proof of insurance in a manner authorized by the City's Risk Manager or Risk Manager's designee.

(iv) Other information as may be required by the fire department pursuant to administrative rules and procedures



promulgated by the fire code official pursuant to Section 10-5502.6(b).

(c) Permits shall be issued upon review of all information submitted by the organization and inspection and approval of the organization's temporary fireworks stand.

**5602.9. Safe and Sane Fireworks: Operator Safety Seminar.**

Each year, one or more representatives from each organization that is granted a permit to sell or display fireworks shall attend a stand operator safety seminar conducted by the City of Fresno Fire Department or the fireworks industry. Failure of an organization to have a responsible individual attend the seminar shall result in the revocation of the permit.

**5602.10. Revocation of Permits.**

The fire code official or designee may revoke the permit of any organization that violates the provisions of this Section or any rules or regulations promulgated pursuant to Section 10-53302.6(b). Notice of revocation shall be made in writing by the fire department to the organization. The fire code official or his designee may reinstate a permit upon proof that the permit holder is in compliance with all provisions and rules pertaining to this Section.

**5602.11. Administrative Fines.**

In addition to any other remedy available at law, any person or entity who possesses, uses, stores, sells and/or displays dangerous fireworks or any person or entity who possesses, uses, sells and/or displays Safe and Sane fireworks on or at dates, times, or locations other than those permitted by this Section are subject to an administrative fine of not less than one-thousand dollars (\$1,000.00).

**5602.12. Seizure of Fireworks.**

The fire code official or designee shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Section. Such seizure shall be subject to cost recovery in accordance with Section 109.5.

**5602.13. Appeals.**

(a) A citation issued for failure to comply with the provisions of this Section shall be appealed pursuant to Fresno Municipal Code, Chapter 1, Article 4.



(b) The denial of an application for a fireworks permit shall be appealed pursuant to Fresno Municipal Code, Chapter 1, Article 4. If no appeal is filed within the time prescribed, the action of the fire code official or designee shall be final.

(c) A minor and the parent(s) or guardian(s) having custody and control of said minor, are jointly and severally liable to the City for any administrative citation and/or penalty issued for failure to comply with the provisions of this Section.

(d) The administrative citation penalty may become a special assessment or a lien against the property of any person who is issued a citation for violation of the provisions of this Section. This shall include the property of a minor who is issued a citation and/or the property of the parent(s) or guardian(s) having custody and control of the minor or private property owner that allows the illegal use or storage on their property. The procedures set forth in Section 1-506 shall be followed for the imposition of a special assessment or lien.

#### SECTION 10-55603. PROHIBITION OF EXPLOSIVES.

Section 5603 of the California Fire Code is amended to read:

5603. Prohibition of Explosives. The possession, storage, use and handling of explosives are prohibited within the limits established by law.

Exception: Storage and sale of small arms ammunition, small arms primers, smokeless powder and black sporting powder in accordance with Title 19, Chapter 10, Article 12 of the California Code of Regulations and Section 307 of the California Building Code.

#### FLAMMABLE AND COMBUSTIBLE LIQUIDS

#### SECTION 10-55704.2.9.6.1. LOCATIONS WHERE ABOVE-GROUND TANKS ARE PROHIBITED.

Section 5704.2.9.6.1 of the California Fire Code is amended to read:

5704.2.9.6.1. Locations Where Above-ground Tanks are Prohibited. Storage of Class I and II liquids in above-ground outside of buildings shall be in accordance with the protected above-ground tank provisions of Section 2306.2.3.

Exceptions:



1. Bulk plants and terminals.
2. Refineries.
3. Standby generators with integral base tanks for Class II liquids when installed per fire department policy.
4. For above-ground tanks at farms and construction site, see FMC 10-55706.2.4.

#### SECTION 10-55704.3.5.1. BASEMENT STORAGE.

Section 5704.3.5.1 of the California Fire Code is amended to read:

5704.3.5.1. Basement Storage. Class I liquids shall not be stored in basements. Class II and IIIA liquids shall be allowed to be stored in basements, provided that automatic fire suppression and other fire protection are provided in accordance with Chapter 9.

#### SECTION 10-55706.2.4. PERMANENT AND TEMPORARY TANKS.

Section 5706.2.4 of the California Fire Code is amended to read:

5706.2.4. Permanent and Temporary Tanks. The aggregate capacity of permanent and temporary above-ground tanks containing Class I and II liquids shall not exceed 1,100 gallons (4163.9L). Tanks shall be constructed in accordance with Section 5704.2.

Exception: Protected above-ground tanks meeting the requirements of Section 2306.2.3.

### LIQUIFIED PETROLEUM GASES

#### SECTION 10-56101.3. CONSTRUCTION DOCUMENTS.

Section 6101.3 of the California Fire Code is amended to read:

6101.3. Construction Documents. Where a single container or aggregate of containers is more than 125 gallons in water capacity, the installer shall submit construction documents for such installation.

### HISTORIC BUILDINGS

#### SECTION 10-5-8-103. HISTORIC BUILDINGS.



Section 8-103.3 of the California Historical Building Code (CHBC) is amended to read:

8-103.3 Liability. Prevailing law regarding immunity of building and fire officials is unaffected by the use and enforcement of the CHBC.

8-104.4 Local agency fees. The City and any local agencies, when involved in the appeal, may also charge affected persons reasonable fees not to exceed the cost of obtaining reviews and appeals from the Board.

8-302.1 Existing use. The specific use or character of occupancy of a qualified historical building or property, or portion thereof, may be permitted to continue in use regardless of any period of time in which it may have remained unoccupied or in other uses, provided such building or property otherwise conforms to all applicable requirements of the CHBC.

8-302.2 Change in occupancy. The use or character of the occupancy of a qualified historical building or property may be changed from or returned to its historical use or character, provided the qualified historical building or property conforms to the requirements applicable to the new use or character of occupancy as set forth in the CHBC and Fresno Municipal Code sections 10-50903.1 through 10-50903.3.5.1.2. Such change in occupancy shall not mandate conformance with new construction requirements as set forth in regular code.

SECTION 4. 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 City Council of the City of Fresno hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, regardless if any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

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STATE OF CALIFORNIA )
COUNTY OF FRESNO ) ss.
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 9th day of January, 2014.

AYES : Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval : N/A, 2014
Mayor Approval/No Return: January 22, 2014
Mayor Veto: N/A, 2014
Council Override N/A, 2014

YVONNE SPENCE
City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: SHANNON L. CHAFFIN
Senior Deputy City Attorney

SLC:cg;63369cg/ORD;12/4/13



January 9, 2014

RECEIVED

Council Adoption: 1/9/2014  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ASHLEY SWEARENGIN  
FROM: YVONNE SPENCE, CMC City Clerk  
JAN 22 AM 10:38

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 1/9/14, Council adopted the attached Ordinance No. 2014-2 entitled **Incorporating and adopting express findings of necessity related to local climatic, topographical, and geological conditions, which make the City's amendments to the California Mechanical Code reasonably necessary, Item No. 1K3,** by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong  
Noes : None  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before January 21, 2014. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

\*\*\*\*\*

APPROVED/NO RETURN: \_\_\_\_\_

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Ashley Swearengin, Mayor

Date: \_\_\_\_\_

COUNCIL OVERRIDE ACTION:

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :

Certified Copy *slk*  
City Clerk's Office  
Date 1/30/2014



Yvonne Spence, CMC  
City Clerk

### CLERK'S CERTIFICATION

I, **YVONNE SPENCE**, City Clerk of the City of Fresno, County of Fresno, State of California, do hereby certify the foregoing to be a full, true and correct copy of **City Council Resolution No. 2014-4 adopted on January 9, 2014**; now on file in my office.

**IN, WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of the City of Fresno, California this 30<sup>th</sup> day of January, 2014.

**YVONNE SPENCE, CMC**  
City Clerk

By *Sherrie L. Badetscher*  
Deputy City Clerk





NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno that said Council expressly finds each of the various proposed modifications or changes to the California Fire Code, which are enumerated below, are reasonably necessary because of local climatic, geological and topographical conditions in the area encompassed by the City of Fresno, as follows:

A. LOCAL CONDITIONS:

Pursuant to Health and Safety Code, Sections 17958.7 and 18941.5, local climatic, topographical or geological conditions make the amendments to the California Fire Code reasonably necessary.

1. CLIMATIC – EXTREME TEMPERATURES

1.1 As documented in the 2025 Fresno General Plan<sup>1</sup> and the Master Environmental Impact Report No. 10130<sup>2</sup> for the General Plan, during the summer months the City of Fresno experiences periods of what can only be described as extreme heat. For example, attached as Exhibit "1" to the attached Resolution are three "Local Climatological Data Annual Summary with Comparative Data" reports for 2010, 2011, and 2012 promulgated by the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Climatic Data Center. As noted in the 2010 summary, the mean daily maximum temperature for Fresno in June, July, August and September is: 92.3°F, 98.9°F, 95.9°F and 92.9°F respectively. In 2011 the same information is noted as: 88.4°F, 96.9°F, 98.3°F and 94.6°F and in 2012 was: 92.8°F, 98.9°F, 102.2°F and 96.8°F.

Also attached is a chart setting forth the high temperatures in Fresno, San Francisco and San Diego for each day from July 1, 2006 through July 31, 2006 as reported by the National Weather Service. During this approximately 31 day period, the average high temperature in Fresno was 103.4 degrees, the average high temperature in San Diego was 81.2 degrees and the average high temperature in San Francisco was 68.8 degrees. Furthermore, during this 31 day

<sup>1</sup> The 2025 Fresno General Plan at p. 166 states, "Fire Hazards. Fresno's high summer temperatures, intense sunlight, and low rainfall potentiate fires by drying and pre-heating combustible material and by fostering spontaneous combustion of flammable material. Fresno's estimated maximum wind speed (used to design structures) is 70 mph, which could fan blazes to a high intensity."

<sup>2</sup> Master Environmental Impact Report No. 10130 at p. states, " The climate of the FMA [Fresno Metropolitan Area] is characterized by hot, dry summers ... Temperatures in the FMA range from a mean monthly maximum of 97.9 [degrees] F in July to a mean monthly minimum of 36.3 [degrees] F in December..

period, the average temperature in Fresno was 87.8 degrees, the average temperature in San Diego was 76.3 degrees and the average temperature San Francisco was 61.7 degrees. Finally, during this 31 day period Fresno experienced 20 days where the maximum temperature exceeded 100 degrees, while neither San Diego nor San Francisco experienced such temperatures at any time during the 31 day period. Though Health & Safety Code § 17958.7 does not require the local conditions to be unique to a particular jurisdiction, the temperature chart demonstrates that the temperatures experienced in Fresno are extreme as compared to temperatures experienced in other parts of California.

1.2 The Heat Stress Index published by the Federal Emergency Management Agency in its publication entitled Emergency Incident Rehabilitation sets forth the stress placed on the human body when exposed to various temperatures and humidities. This Heat Stress Index is attached as Exhibit 3 and incorporated by reference. A note under the Heat Stress Chart states that 10 degrees should be added to the temperature when protective clothing is worn and an additional 10 degrees should be added when the person is standing in direct sunlight. According to this chart, a person exposed to temperatures between 90 and 105 degrees is subject to heat cramps and heat exhaustion if exposure to these temperatures is prolonged and there is physical activity. A person exposed to temperatures of 105 to 130 degrees is likely to experience heat cramps and heat exhaustion. Furthermore, heat stroke is possible if exposure is prolonged and there is physical activity. A person exposed to temperatures above 130 degrees or greater faces a high risk of suffering from heat stroke.

1.3 Because of the extreme heat Fresno experiences during the summer months, Fresno Firefighters responding to fires and other incidents requiring the evacuation of a building, are regularly exposed to temperatures in excess of 105 degrees, when accounting for their protective gear, exposing them to the probability of heat cramps, heat exhaustion and possibly heat stroke.

## 2. GEOLOGICAL – LIMITED WATER SUPPLY AND WATER PRESSURE

2.1 The Fresno Metropolitan area is arid area that receives small amounts of rainfall each year, in the average of 10 to 12 inches of precipitation per year, which primarily occurs in the winter months. In 2010 Fresno received 16.51 inches of water equivalent precipitation (an el Niño year<sup>3</sup>). However Fresno received only 10.92 inches in 2011, and 9.97 inches in 2012. Furthermore, the Fresno City Metropolitan Area relies primarily on groundwater for its municipal water supply. The underground aquifer is in a state of overdraft estimated at approximately 10,000-acre feet per year. Finally, local rainfall alone, even if fully captured, would meet only 20 percent of the Fresno Metropolitan Area's water needs.

<sup>3</sup> [http://www.cpc.ncep.noaa.gov/products/analysis\\_monitoring/ensostuff/ensoyears.shtml](http://www.cpc.ncep.noaa.gov/products/analysis_monitoring/ensostuff/ensoyears.shtml) retrieved on November 20, 2013



2.2 Due to the hot, dry summers in the Fresno area, domestic water demand substantially reduces the ability of the public water system to dependably meet the larger fire flow demand in many areas of the City.

3. CLIMATIC/TOPOGRAPHICAL – POOR AIR QUALITY CAUSED BY TOPOGRAPHY OF SAN JOAQUIN VALLEY AIR BASIN, LARGE NUMBER OF SUNNY DAYS AND INVERSIONS THAT FORM DURING WINTER MONTHS

3.1 As a result of the San Joaquin Valley's climate and topography, the San Joaquin Valley Air Basin (SJVAP) is predisposed to poor air quality. High mountain ranges surrounding the Valley frequently create air layer inversions that prevent mixing of air masses. The large number of sunny days per year, and high temperatures in the summer, favor the formation of ozone. The area receives so much sunshine that the City of Fresno was ranked the second highest major California city for sunshine, and eighth in the nation, with an estimated 79% annual average of possible sunshine for more than a 30-year period.<sup>4</sup> In the winter, inversions form that often trap particulate matter.<sup>5</sup>

3.2 The Federal EPA and California Air Resources Board have classified the San Joaquin Valley Air Basin as severe non-attainment for Ozone and serious non-attainment (Federal) non-attainment (State) for PM10. Ozone is formed by a complex series of chemical reactions between reactive organic gases (ROG), oxides of nitrogen and sunlight. PM10 is suspended particulate matter that is less than 10 microns in size. Given its small size, PM10 can remain airborne for long periods and can be inhaled, pass through the respiratory system, and lodge in the lungs. In general, nonattainment means that the Federal standard has been exceeded more than twice per year.<sup>6</sup>

3.3 Smoke is composed primarily of carbon dioxide, water vapor, carbon monoxide, particulate matter, hydrocarbons and other organic chemicals, nitrogen oxides, trace minerals and several thousand other compounds. Particulate matter is the principal pollutant of concern from some for the relatively short-term exposures (hours to weeks) typically experienced by the public. Particulate matter in wood smoke has a size range near the wavelength of visible light (.4-.7 micrometers). Since these particles can be inhaled into the deepest recesses of the lungs they are thought to represent a greater health concern than larger particles. Another pollutant of concern during some events is carbon monoxide.<sup>7</sup> The San Joaquin Valley Air Pollution Control District states "Emissions from burning include fine particulate, hydrocarbons, oxides of nitrogen, oxides of sulfur,

<sup>4</sup> See <http://www.ncdc.noaa.gov/extremes/extreme-us-climates.php>.

<sup>5</sup> Master Environmental Impact Report No. 10130, 2025 Fresno General Plan, p. V-C1.

<sup>6</sup> Master Environmental Impact Report No. 10130, 2025 Fresno General Plan, p. V-C1-C3.

<sup>7</sup> Wildfire Smoke – A Guide for Public Health Officials (2001) Published by the Washington State Department of Health, p. 3; Fire Suppression Training – Requirements for Fire Fighter Training Exercises (July 28, 2006).



carbon monoxide, and toxic air contaminants that contribute to our air quality problems."

#### 4. TOPOGRAPHICAL – FRESNO'S DEVELOPMENT PATTERN

4.1 Due to the relatively low density growth pattern in the Fresno area, the City of Fresno's 20 fire stations are spaced approximately four miles apart resulting in an average of a two mile running distance for the designated first-in engine company.

4.2 This average two mile travel distance increases the response time to fires which result in an increase in the size and intensity of fires.

#### B. REASONABLE NECESSITY

The Council of the City of Fresno expressly finds the modifications and changes to the California Fire Code are reasonably necessary due to the local conditions set forth above since they reduce the risks to life, property, public health and safety that result from the City of Fresno's climatic, geological and topographical conditions. The modifications and changes are further reasonably necessary and justified for the reasons set forth below.

In adopting the California Fire Code as the City of Fresno Fire Code, the City of Fresno proposes to make certain modifications or changes whose effect is to impose more stringent requirements locally than are mandated by the California Fire Code. These are specifically listed below, but may be generally characterized as relating to (1) fire sprinkler systems; (2) luminous exit markings; (3) additional regulation of lumber yards, woodworking, recycling, and waste handling facilities; (4) and additional regulation of motor fuel dispensing and repair garages, locations of above-ground tanks, the amount of Class I and Class II liquids at farms and construction sites in above-ground tanks and basement storage of flammable liquids. These requirements are reasonably necessary to



address risks created by local climatic, geological or topographical conditions set forth above for the following reasons:

1. **MORE RESTRICTIVE REQUIREMENTS FOR INSTALLATION OF FIRE SPRINKLERS: FRESNO MUNICIPAL CODE AMENDMENTS TO VARIOUS SECTIONS BEGINNING WITH 10-50903.1 THROUGH 10-50912.2.3**

1.1 The Fresno Municipal Code Amendments contain more restrictive requirements for installation of fire sprinklers than those in found in the California Fire Code. The requirements are located at Fresno Municipal Code Section 10-50903.1 (requiring retrofitting of fire sprinklers under prescribed conditions based on fire damage, building additions, a change of use to a higher life safety hazard or condominium conversions), through 10-50912.2.3 (requiring more restrictive installation details to assist responding firefighters). The amendments are reasonably necessary to address risks created by local climatic, geological or topographical conditions.

1.2 Approximately thirty percent of all residential fires start in the kitchen.<sup>8</sup> Furthermore, studies and testing performed by the United States Fire Administration has resulted in the United States Fire Administration concluding that a single low flow residential sprinkler in the kitchen was able to control both the cooking oil fire and an appliance fire on the countertop.<sup>9</sup>

1.3 Studies performed by the city of Scottsdale, Arizona established in over 90 percent of the cases where automatic fire sprinklers were activated, the fires were controlled with one fire sprinkler. Those one sprinkler activations deposited an average of 276 gallons of water in the structure, compared to an estimated average of 4,876 gallons that would have been sprayed by fire department hoses had sprinklers not been available.<sup>10</sup> In summary, fires in buildings with sprinkler systems use thousands of gallons of water less to extinguish the fire than fires that occur in non-sprinklered property.<sup>11</sup>

1.4 Fires in non-sprinklered buildings generate orders of magnitude more smoke than fires controlled with automatic fire sprinklers. As set forth above,

<sup>8</sup> January 10, 2006 Staff Report to City Council relating to requiring Automatic Fire Sprinklers stated, "Nationally over the past ten years, more than 15 percent of all residential fire deaths, more than 29 percent of all injuries, and 30 percent of all residential fires were the direct result of kitchen fires." Exhibit B to January 10, 2006 Staff Report was a table showing that since 1996 on average 30 percent of fires in the Fresno Metropolitan Area that started in kitchen.

<sup>9</sup> U.S. Fire Administration "Localized Suppression Systems for the Kitchen," December 28, 2006.

<sup>10</sup> January 10, 2006 Staff Report to Fresno City Council relating to Mandating Automatic Fire Sprinkler Systems in new Residential Occupancies.

<sup>11</sup> "Cost/Benefit to Society for Having Sprinklers in One-and-Two-Family Dwellings – A Pessimistic Analysis."



smoke contains particulate matter and other pollutants which contribute to the San Joaquin Valley's sever non-attainment status relating to PM10 and ozone.

1.5 As such, this ordinance mandating more restrictive fire sprinkler installation standards is expressly found to be reasonably necessary to address risks created by local climatic, geological or topographical conditions, including limiting fire personnel's exposure to extreme temperatures, reducing the amount of water necessary to extinguish fires, reducing the amount of smoke generated by such fires and addressing extended run time due to topography-related low density growth pattern in the Fresno.

2. INSTALLATION OF LUMINOUS EXIT PATH MARKINGS SHALL BE PROVIDED IN ALL ENCLOSED STAIRWAYS IN ALL NEW BUILDINGS WITH THREE OR MORE STORIES: FRESNO MUNICIPAL CODE, SECTION 10-51024.1

2.1 Reports and studies related to building evacuation have concluded that the use of luminous egress markings indicators are effective in guiding occupants out of a building, with or without the use of electrical power.<sup>12</sup> This is because luminous exit path markings are not dependent upon electricity for illumination and they are placed at floor level as this is where the most visibility is in the event of smoke.<sup>13</sup> Traditional electrical exit lighting is located higher (above doorways) which is obscured when smoke fills a room or hallway.

2.2 By making it easier for individuals to evacuate buildings unassisted, fewer firefighters will have to respond to fires to assist with evacuation and/or firefighter resources can be directed toward fire suppression efforts to reduce fire intensity and duration. Accordingly, fewer firefighters will be exposed to health risks associated with exposure to sustained high temperatures and shorter fire duration can reduce smoke generations affecting air quality and fire suppression water use from such fires. As such, this ordinance mandating installation of luminous egress path markings in certain occupancies three stories or more is expressly found to be reasonably necessary to protect the health and safety of firefighters and other emergency personnel in light of Fresno's extremely high temperatures, air quality, limited water supply and pressure, and extended run time due to topography-related low density growth pattern in the Fresno.

3. REQUIREMENTS REGARDING LUMBER YARDS, WOODWORKING, RECYCLING, AND WASTE HANDLING FACILITIES: VARIOUS FRESNO MUNICIPAL CODE, SECTIONS BEGINNING WITH 10-2801.1 THROUGH 2808.12

<sup>12</sup> Amy, James D.; The Path at Your Feet – The Shift in Emergency Lighting; International Fire Protection Magazine.

<sup>13</sup> Amy, James D.; The Path at Your Feet – The Shift in Emergency Lighting; International Fire Protection Magazine.



3.1 In 2003, the City of Fresno Fire Department was involved in costly and time consuming fire suppression activities at two separate wood waste and green waste recycling facilities. Neither of these two facilities was in compliance with the requirements of Chapter 19 of the California Fire Code. After review of the suppression activities of both incidents, the City of Fresno Fire Department has concluded that even if the facilities had been in compliance with Chapter 19, the City would not have had the necessary equipment to rapidly suppress the fires. As a result, the fires lingered for numerous days, causing health and safety issues for the residents of the City and impacting air quality.

3.2 The City of Fresno currently has a number of wood waste and green waste recycling facilities within its boundaries and anticipates more like facilities as the City endeavors to reduce the amount of solid waste processed in landfills.

3.3 The Fresno Fire Department has concluded that it does not have adequate equipment to quickly engage and control a fire.

3.4 Winter conditions in Fresno and the entire Central Valley include rain and other moisture issues (Tule Fog). The green waste/recycling business is very well known for the problem of spontaneous combustion associated with it when the right amount of moisture creates a chemical reaction that develops heat which in turn, if unchecked, starts fires in the green waste piles. As set forth above, much of the year, Fresno has very hot, dry conditions. This makes all combustible materials more so, which increases the general fire hazard. As set forth above, this causes an obvious heat exposure to the firefighters that are responding to and addressing the emergency.

3.5 The larger the piles of wood product, the more heat retained and the more likely the piles will spontaneously combust. The larger the piles, the more difficult the fire is to fight, and as a result, the fire will burn longer, causing smoke to linger in the valley, creating a continuous health hazard to the residents and negatively affecting air quality.

3.6 The amendments to the California Fire Code reducing the dimensions of the size of the piles of such wood materials, and imposing additional safety measures, is necessary to ensure the City of Fresno's Fire Department's ability to quickly engage such fires and control them. By requiring pile size restrictions, separation and access the fire crews may more readily abate the emergency and/or hazard. On-site water mains and hydrant system will provide a more readily available source of water for firefighting, and will reduce the time it takes the fire crews to set up and extinguish a fire. The less time it takes to start the extinguishment process, the less time the fire has to spread and intensify. Access to a limited-size pile of green waste/recyclable material via all-weather roads will reduce the response time required by the Fire Department to set up and address a fire problem. Perimeter fencing provides a higher level of security for the business site and thereby reduces the threat of a possible arson-caused fire.



Wood by-product stored in piles has a tendency to spontaneously combust and spread within a large pile.

3.7 The amendments relating to the storage of wood product are necessary to reduce, or attempt to reduce, air pollution in the San Joaquin Valley caused by wood fires, which is detrimentally enhanced by the above described local climatic, geologic and topographical conditions in the San Joaquin Valley.

4. REGULATION OF MOTOR FUEL DISPENSING AND REPAIR GARAGES, LOCATIONS OF ABOVE-GROUND TANKS, THE AMOUNT OF CLASS I AND CLASS II LIQUIDS AT FARMS AND CONSTRUCTION SITES IN ABOVE-GROUND TANKS AND BASEMENT STORAGE OF FLAMMABLE LIQUIDS: VARIOUS FRESNO MUNICIPAL CODE SECTIONS BEGINNING WITH 10-52306.2.3, THROUGH 10-52808.12

4.1 The following describes when particle classes of liquids and gases reach boiling if temperatures remain at over 100°F:

Class I flammable liquids: Some of these liquids, such as gasoline and acetone, have boiling points (rapid release of ignitable vapors) at temperatures of 100-130 degrees F. Elevated ambient temperatures for these liquids increases the generation of flammable vapors and increases the chance of ignition.

Class II combustible liquids: These liquids have flash points (the temperature at which a liquid emits ignitable vapors) at or above 100°F. Local climatic conditions in the summer cause many common combustible liquids such as charcoal lighter fluid or paint thinner to be in a state of ready ignition from a spark or open flame.

For flammable and combustible liquids and gasses, the range of ignitability as a percentage of vapor volume in air increases with rise in temperature. For example: gasoline vapor at room temperature will ignite (lower flammability limit or LFL) at 1.07 percent of air volume; at 100°F gasoline will ignite at .94 percent of air volume.<sup>14</sup>

4.2 As set forth above, much of the year Fresno has very hot, dry conditions. This local condition makes all combustible materials (grass, weeds, buildings, roof, etc.) highly combustible, which increases the general fire hazard. High temperatures also make all flammable liquids and gases much more volatile, increasing the fire hazard.

4.3 Therefore, increased regulation of the storage of certain classes of fuels and gases is reasonably necessary to reduce the fire risk associated with the ignition of fuel and gases caused by local conditions.

<sup>14</sup> NFPA Fire Protection Handbook 19th Edition



\*\*\*\*\*

STATE OF CALIFORNIA )
COUNTY OF FRESNO ) ss.
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council for the City of Fresno, at a regular meeting held on the 9th day of January, 2014.

AYES : Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval : N/A, 2014
Mayor Approval/No Return: January 22, 2014
Mayor Veto: N/A, 2014
Council Override N/A, 2014

YVONNE SPENCE, City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Shannon L. Chaffin
Senior Deputy City Attorney

Attachments:

- Exhibit "1" - Historical temperature data compiled United States Department of Commerce, National Oceanic and Atmospheric Administration, National Climatic Data Center and the National Weather Service
Exhibit "2" - Maximum Temperatures Chart
Exhibit "3" - Heat Stress Index

SLC:prn [63386prn/reso] 11-21-13

Certified Copy slw
City Clerk's Office
Date 1/30/2014

January 9, 2014

RECEIVED

Council Adoption: 1/9/2014

TO: MAYOR ASHLEY SWEARENGIN

2014 JAN 22 AM 10:40

Mayor Approval:

FROM: YVONNE SPENCE, CMC  
City Clerk

CITY CLERK, FRESNO CA

Mayor Veto:

Override Request:



SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 1/9/14, Council adopted the attached Resolution No. 2014-4 entitled **Making and adopting express findings that modifications or changes to the 2010 California Fire Code reasonably necessary**, Item No. 1K2, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before January 21, 2014. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

\*\*\*\*\*

APPROVED NO RETURN: \_\_\_\_\_

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Ashley Swearengin, Mayor

Date: \_\_\_\_\_

COUNCIL OVERRIDE ACTION:

Date: \_\_\_\_\_

Ayes	:
Noes	:
Absent	:
Abstain	:

Certified Copy slh  
City Clerk's Office  
Date 1/30/2014

# EXHIBIT "1"

Certified Copy slb  
City Clerk's Office  
Date 1/30/2014

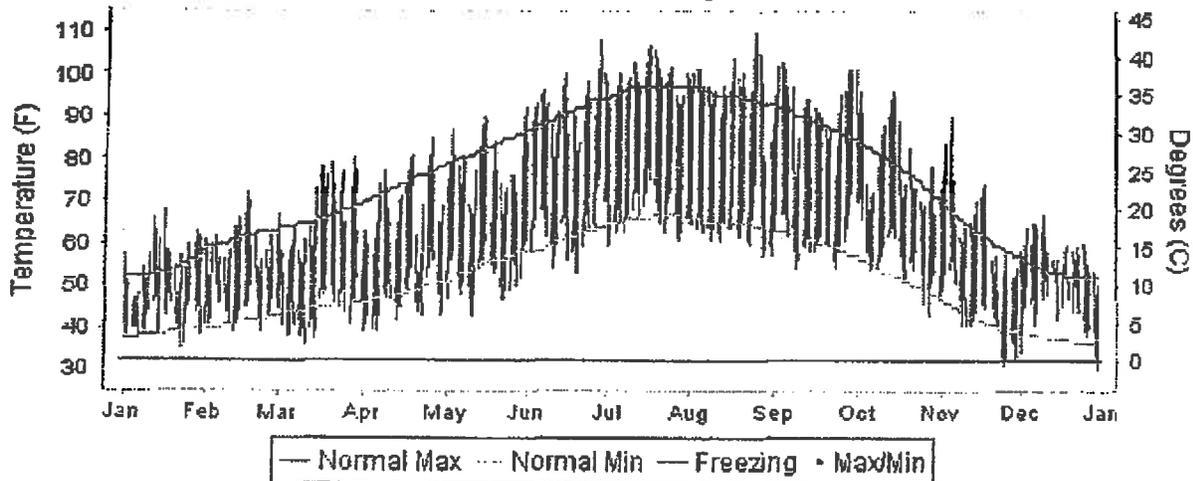


# 2010 LOCAL CLIMATOLOGICAL DATA ANNUAL SUMMARY WITH COMPARATIVE DATA

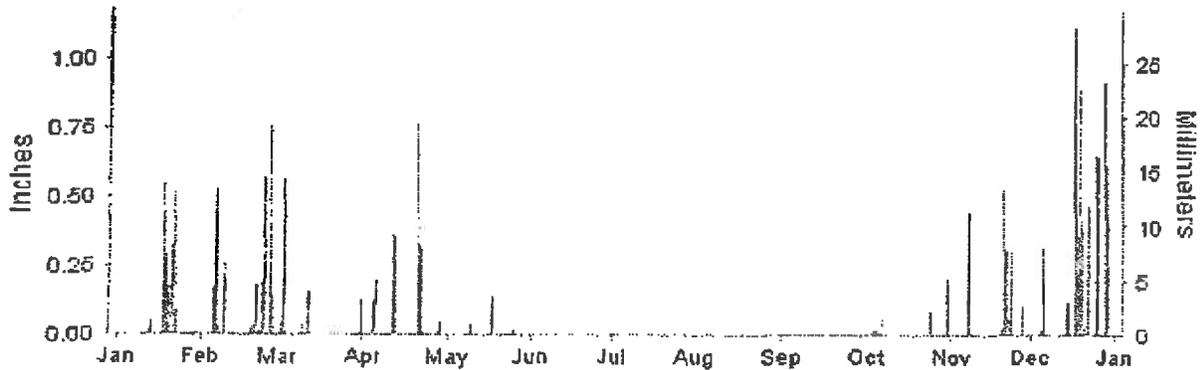
ISSN 0198-0890

## FRESNO, CALIFORNIA (KFAT)

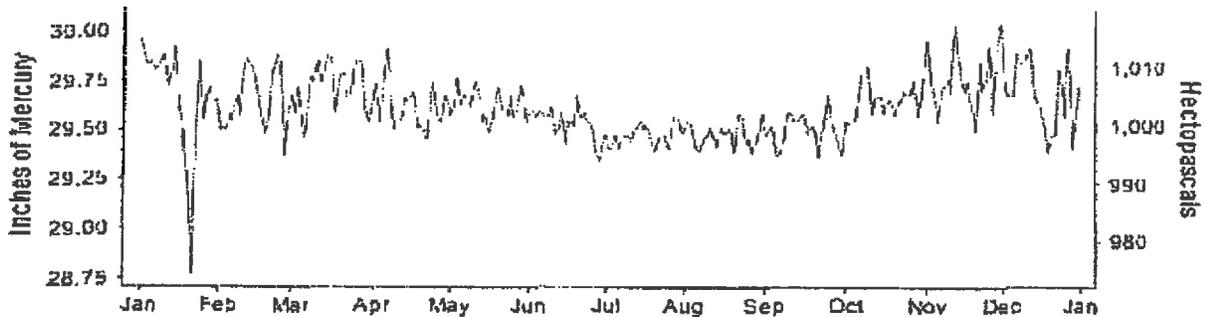
### Daily Max/Min Temperature



### Daily Precipitation



### Daily Station Pressure



I CERTIFY THAT THIS IS AN OFFICIAL PUBLICATION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,  
AND IS COMPILED FROM RECORDS ON FILE AT THE NATIONAL CLIMATIC DATA CENTER.

NATIONAL  
OCEANIC AND  
ATMOSPHERIC ADMINISTRATION

NATIONAL  
ENVIRONMENTAL SATELLITE, DATA  
AND INFORMATION SERVICE

NATIONAL  
CLIMATIC DATA CENTER  
ASHEVILLE, NORTH CAROLINA

*Thomas R. Karl*  
DIRECTOR  
NATIONAL CLIMATIC DATA CENTER

Certified Copy             
City Clerk's Office  
Date 1/30/2014

# METEOROLOGICAL DATA FOR 2010 FRESNO (KFAT)

LATITUDE: 36° 46'N      LONGITUDE: -119° 43'W      ELEVATION (FT): GRND: 333    BARO: 375      TIME ZONE: PACIFIC (UTC -8)      WBAN: 93193

ELEMENT		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR	
TEMPERATURE °F	MEAN DAILY MAXIMUM	55.5	59.7	66.7	68.5	78.0	92.3	98.9	95.9	92.2	79.2	64.2	57.7	75.8	
	HIGHEST DAILY MAXIMUM	68	72	80	85	92	108	107	110	103	96	90	67	110	
	DATE OF OCCURRENCE	16	17	28	26	31	28	17	25	03	14+	05	18	AUG 25	
	MEAN DAILY MINIMUM	41.7	44.6	44.2	46.6	52.3	62.9	67.2	63.9	61.5	56.8	43.4	44.1	52.4	
	LOWEST DAILY MINIMUM	35	39	36	39	43	53	60	57	54	43	31	30	30	
	DATE OF OCCURRENCE	23	23+	11	06+	11	20+	02+	31+	23+	27	25	31	DEC 31	
	AVERAGE DRY BULB	48.6	52.2	55.5	57.7	65.2	77.6	83.1	79.9	76.9	68.0	53.8	50.9	64.1	
	MEAN WET BULB	45.4	48.9	48.6	50.3	53.1	60.6	64.0	62.3	60.9	57.2	47.9	47.8	53.9	
	MEAN DEW POINT	42.5	46.0	42.0	43.5	41.9	47.5	50.9	49.8	49.7	49.1	43.0	45.2	45.9	
	NUMBER OF DAYS WITH:														
	MAXIMUM >= 90°	0	0	0	0	1	21	31	27	22	7	1	0	112	
	MAXIMUM <= 32°	0	0	0	0	0	0	0	0	0	0	0	0	0	
	MINIMUM <= 32°	0	0	0	0	0	0	0	0	0	0	0	3	4	
MINIMUM <= 0°	0	0	0	0	0	0	0	0	0	0	0	0	0		
H/C	HEATING DEGREE DAYS	500	352	289	227	62	0	0	0	0	40	346	432	2248	
	COOLING DEGREE DAYS	0	0	0	15	72	386	563	470	364	144	17	0	2031	
RH	MEAN (PERCENT)	82	82	64	63	48	38	36	40	43	56	72	83	59	
	HOUR 04 LST	88	91	83	83	74	63	58	64	68	76	87	91	77	
	HOUR 10 LST	79	80	56	52	38	31	29	31	33	46	61	79	51	
	HOUR 16 LST	74	67	44	45	27	20	18	18	22	37	54	73	42	
	HOUR 22 LST	88	89	71	71	54	43	41	46	49	63	82	88	65	
S	PERCENT POSSIBLE SUNSHINE														
W/O	NUMBER OF DAYS WITH:														
	HEAVY FOG (VISIB <= 1/4 MI)	10	6	1	0	0	0	0	0	0	0	1	8	26	
	THUNDERSTORMS	0	0	0	1	0	0	0	0	0	1	1	0	3	
CLOUDNESS	SUNRISE-SUNSET: (OKTAS)														
	CEILOMETER (<= 12,000 FT.)														
	SATELLITE (> 12,000 FT.)														
	MIDNIGHT-MIDNIGHT: (OKTAS)														
	CEILOMETER (<= 12,000 FT.)														
SATELLITE (> 12,000 FT.)															
NUMBER OF DAYS WITH:															
CLEAR															
PARTLY CLOUDY															
CLOUDY															
PR	MEAN STATION PRESS. (IN.)	29.67	29.66	29.71	29.62	29.63	29.54	29.47	29.48	29.51	29.66	29.77	29.70	29.62	
	MEAN SEA-LEVEL PRESS. (IN.)	30.02	30.01	30.06	29.97	29.98	29.88	29.82	29.82	29.85	30.01	30.12	30.05	29.97	
WINDS	RESULTANT SPEED (MPH)	1.9	0.9	1.6	1.6	5.8	7.9	6.0	4.9	3.3	1.5	0.2	1.1	2.4	
	RES DIR. (TENS OF DEGS.)	13	10	33	31	31	31	30	30	30	31	36	11	31	
	MEAN SPEED (MPH)	4.2	3.4	5.2	6.1	8.1	9.1	7.1	6.4	5.1	4.7	3.6	3.9	5.6	
	PREVAIL DIR. (TENS OF DEGS.)	12	10	32	31	31	31	31	30	31	30	31	11	31	
	MAXIMUM 3-MINUTE WIND														
	SPEED (MPH)	32	22	23	30	29	25	18	21	21	23	22	26	32	
	DIR. (TENS OF DEGS.)	15	12	32	30	25	31	31	30	31	30	28	32	15	
	DATE OF OCCURRENCE	20	27	25	20	09	09	30	28	21	25	20	29	JAN 20	
	MAXIMUM 3-SECOND WIND:														
	SPEED (MPH)	43	26	29	40	38	33	26	25	26	30	29	33	43	
DIR. (TENS OF DEGS.)	15	12	32	30	25	30	27	29	31	31	30	33	15		
DATE OF OCCURRENCE	20	27	24	20	09	11	20	22	08	17	20	29	JAN 20		
PRECIPITATION	WATER EQUIVALENT:														
	TOTAL (IN.)	2.05	2.94	0.96	2.19	0.21	0.00	T	0.00	0.00	0.44	1.80	5.92	16.51	
	GREATEST 24-HOUR (IN.)	0.78	0.90	0.58	0.77	0.14	0.00	T	0.00	0.00	0.21	0.67	1.54	1.54	
	DATE OF OCCURRENCE	17-18	26-27	03-04	20	17			11		30	20-21	28-29	DEC 28-29	
	NUMBER OF DAYS WITH:														
PRECIPITATION 0.01	9	12	7	8	4	0	0	0	0	7	8	13	68		
PRECIPITATION 0.10	5	8	3	6	1	0	0	0	0	1	5	10	39		
PRECIPITATION 1.00	0	0	0	0	0	0	0	0	0	0	0	1	1		
SNOWFALL	SNOW, ICE PELLETS, HAIL														
	TOTAL (IN.)	0.0	0.0	0.0	T	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	T	
	GREATEST 24-HOUR (IN.)	0.0	0.0	0.0	T	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	T	
	DATE OF OCCURRENCE				12									APR 12	
	MAXIMUM SNOW DEPTH (IN.)	0	0	0	0	0	0	0	0	0	0	0	0	0	
DATE OF OCCURRENCE															
NUMBER OF DAYS WITH:															
SNOWFALL >= 1.0	0	0	0	0	0	0	0	0	0	0	0	0	0		

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City Clerk's Office  
Date 1/30/2014

# EXHIBIT "2"

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City Clerk's Office  
Date 1/30/2014

Fresno, CA - July 2006

CXUS56 KHNX 011256
CF6FAT
PRELIMINARY LOCAL CLIMATOLOGICAL DATA (WS FORM: F-6)

STATION: FRESNO
MONTH: JULY
YEAR: 2006
LATITUDE: 36 46 N
LONGITUDE: 119 43 W

Table with columns: TEMPERATURE IN F, PCPN, SNOW, WIND, SUNSHINE, SKY, PK WND. Rows 1-31 showing daily weather data.

AV103.4 72.3 7.4 FASTST PSBL % 2 MAX(MPH) # 28 300
MISC ----> # 24 300

NOTES:

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City Clerk's Office
Date 1/30/2014

# LAST OF SEVERAL OCCURRENCES

COLUMN 17 PEAK WIND IN M.P.H.

PRELIMINARY LOCAL CLIMATOLOGICAL DATA (WS FORM: F-6) , PAGE 2

STATION: FRESNO
MONTH: JULY
YEAR: 2006
LATITUDE: 36 46 N
LONGITUDE: 119 43 W

[TEMPERATURE DATA]

[PRECIPITATION DATA]

SYMBOLS USED IN COLUMN 16

AVERAGE MONTHLY: 87.8
DPTR FM NORMAL: 6.4
HIGHEST: 113 ON 25,24
LOWEST: 61 ON 6

TOTAL FOR MONTH: T
DPTR FM NORMAL: -0.01
GRTST 24HR T ON 18
SNOW, ICE PELLETS, HAIL
TOTAL MONTH: 0.0 INCH
GRTST 24HR 0.0
GRTST DEPTH: 0

- 1 = FOG OR MIST
2 = FOG REDUCING VISIBILITY TO 1/4 MILE OR LESS
3 = THUNDER
4 = ICE PELLETS
5 = HAIL
6 = FREEZING RAIN OR DRIZZLE
7 = DUSTSTORM OR SANDSTORM: VSBY 1/2 MILE OR LESS
8 = SMOKE OR HAZE
9 = BLOWING SNOW
X = TORNADO

[NO. OF DAYS WITH]

[WEATHER - DAYS WITH]

MAX 32 OR BELOW: 0
MAX 90 OR ABOVE: 31
MIN 32 OR BELOW: 0
MIN 0 OR BELOW: 0
0.01 INCH OR MORE: 0
0.10 INCH OR MORE: 0
0.50 INCH OR MORE: 0
1.00 INCH OR MORE: 0

[HDD (BASE 65) ]

TOTAL THIS MO. 0
DPTR FM NORMAL 0
TOTAL FM JUL 1 0
DPTR FM NORMAL 0
CLEAR (SCALE 0-3) 25
PTCLDY (SCALE 4-7) 6
CLOUDY (SCALE 8-10) 0

[CDD (BASE 65) ]

TOTAL THIS MO. 715
DPTR FM NORMAL 191
TOTAL FM JAN 1 1444
DPTR FM NORMAL 356
[PRESSURE DATA]
HIGHEST SLP M ON M
LOWEST SLP M ON M

[REMARKS]

#FINAL-07-06#

Certified Copy [signature]
City Clerk's Office
Date 1/30/2014

# EXHIBIT "3"

Certified Copy slb  
City Clerk's Office  
Date 1/30/2014

## HEAT STRESS INDEX

TEMPERATURE °F	RELATIVE HUMIDITY								
	10%	20%	30%	40%	50%	60%	70%	80%	90%
104	98	104	110	120	132				
102	97	101	108	117	125				
100	95	99	105	110	120	132			
98	93	97	101	106	110	125			
96	91	95	98	104	108	120	128		
94	89	93	95	100	105	111	122		
92	87	90	92	96	100	108	115	122	
90	85	88	90	92	96	100	106	114	122
88	82	86	87	89	93	95	100	106	115
86	80	84	85	87	90	92	98	100	109
84	78	81	83	85	86	89	91	95	99
82	77	79	80	81	84	86	89	91	95
80	75	77	78	79	81	83	85	86	89
78	72	75	77	78	79	80	81	83	85
76	70	72	75	76	77	77	77	78	79
74	68	70	73	74	75	75	75	76	77

NOTE: Add 10°F when protective clothing is worn and add 10°F when in direct sunlight.

HUMITURE °F	DANGER CATEGORY	INJURY THREAT
BELOW 60°	NONE	LITTLE OR NO DANGER UNDER NORMAL CIRCUMSTANCES
80° - 90°	CAUTION	FATIGUE POSSIBLE IF EXPOSURE IS PROLONGED AND THERE IS PHYSICAL ACTIVITY
90° - 105°	EXTREME CAUTION	HEAT CRAMPS AND HEAT EXHAUSTION POSSIBLE IF EXPOSURE IS PROLONGED AND THERE IS PHYSICAL ACTIVITY
105° - 130°	DANGER	HEAT CRAMPS OR EXHAUSTION LIKELY, HEAT STROKE POSSIBLE IF EXPOSURE IS PROLONGED AND THERE IS PHYSICAL ACTIVITY
ABOVE 130°	EXTREME DANGER	HEAT STROKE IMMINENT!

Table I-1

Certified Copy  
City Clerk's Office

Date

*slb*  
1/30/2014

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



September 15, 2016

Talia Kolluri  
Supervising Deputy City Attorney  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721

RE: Ordinance #2016-25

Dear Ms. Kolluri:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on September 12, 2016.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code Sections 17958.7 and 18941.5. The code modification are accepted for filing and are enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the California Building Standards Commission (CBSC). CBSC is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with CBSC in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code Section 13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than CBSC. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez  
Associate Construction Analyst

cc: CBSC Chron  
Local Filings



Douglas T. Sloan  
City Attorney

September 7, 2016

**VIA CERTIFIED MAIL**

California Building Standards Commission  
2525 Natomas Park Dr., Suite 130  
Sacramento, CA 95833-2936

Re: Ordinance Bill No. B-27

Dear Commission:

Enclosed with this correspondence is Ordinance Bill No. B-27, which adopted the necessary findings to modify the 2013 California Plumbing Code to include local regulations related to the use of galvanized piping both underground and in buildings. The findings are contained in Section 1 of the Ordinance Bill. The actual local amendments are located in Section 3 of the Ordinance Bill which will be codified as Fresno Municipal Code, section 11-107A. The local amendment commences on page 2 of the Ordinance Bill.

The Fresno City Council introduced the Ordinance Bill at its meeting on July 28, 2016, and then adopted the Ordinance Bill at its meeting on August 18, 2016. As such, the Ordinance is scheduled to go into effect on or about September 26, 2016.

If you have any questions after reviewing this correspondence or the attached Ordinance Bill, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Talia Kolluri".

Talia Kolluri  
Supervising Deputy City Attorney

Enclosures

TKB:dy [72369dy/tkb]-9/7/2016

RECEIVED  
2016 SEP 12 P 1:59  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

RECEIVED  
2016 SEP 12 P 1:59  
CALIFORNIA BUILDING  
SAFETY BOARD'S COMMISSION

**CLERK'S CERTIFICATION**

I, Yvonne Spence, CMC, City Clerk of the City of Fresno, County of Fresno, State of California, do hereby certify the foregoing to be a full, true and correct copy of City Council Ordinance No. 2016-25 adopted on August 18, 2016 now on file in my office.

IN, WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Fresno, California this 7<sup>th</sup> day of September, 2016.



**YVONNE SPENCE, CMC**  
City Clerk

By Marco Martinez-Velasquez  
Marco Martinez-Velasquez  
Deputy City Clerk



BILL NO. B-27

ORDINANCE NO. 2016-25

RECEIVED

2016 SEP 12 P 1:59

CALIFORNIA BUILDING  
STANDARDS COMMISSION

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING FINDINGS RELATED TO LOCAL TOPOGRAPHICAL AND GEOLOGICAL CONDITIONS THAT MAKE AMENDMENTS TO THE CALIFORNIA PLUMBING CODE REASONABLY NECESSARY; AMENDING SECTION 11-107A OF THE FRESNO MUNICIPAL CODE RELATING TO PLUMBING REGULATIONS AND AFFIRMING THE EXPRESS FINDINGS FOR MODIFICATIONS CONTAINED IN THE CITY OF FRESNO PLUMBING CODE.

WHEREAS, galvanized malleable iron, galvanized wrought iron, and galvanized steel have been used in building supply piping and building water piping, both underground and in buildings; and

WHEREAS, as existing galvanized piping systems have aged, some have become vulnerable to corrosion as a result of geological or topographical conditions; and

WHEREAS, corrosion in building supply and building water piping can lead to corrosion related contaminants in a building's water system; and

WHEREAS, several cities in California have prohibited the use of galvanized piping either underground, within buildings, or in both locations; and

WHEREAS, the above noted cities include the City of Santa Clara, the City of San Diego, and the City of Irvine; and

WHEREAS, the California Health and Safety Code establishes the authority for the City of Fresno to make reasonably necessary modifications or changes to the requirements contained in the State Building Standards Law on the basis of local conditions; and,

WHEREAS, the California Health and Safety Code requires the governing body to make express findings that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions; and,

WHEREAS, the express findings necessary to justify the modifications to be contained in the Fresno Municipal Code along with an analysis of the need for such modifications and when thereafter enacted the codes will impact contemplated future development in the City of Fresno; and,

Page 1 of 3

Date Adopted: 08/18/2016  
Date Approved 08/26/2016  
Effective Date: 09/26/2016

Ordinance No. 2016-25

Certified Copy *Maria-Maria*  
City Clerk's Office *mm*

Date 9/7/16



WHEREAS, the City of Fresno adopted California Plumbing Code for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 5; a portion of the California Building Standards Code.

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

**SECTION 1: FINDINGS.** Pursuant to California Health and Safety Code, Sections 17958.7 and 18941.5, the Council of the City of Fresno expressly finds the proposed modification to Section 604.1 of the California Plumbing Code regulating materials for building water piping as set forth in Section 11-107A of the Fresno Municipal Code because of the following local geological and topographical conditions:

1. Components including, but not limited to sulfates, chlorides, moisture, pH levels, and soil resistivity, all contribute to a soil environment that can produce corrosion of galvanized malleable iron, galvanized wrought iron, and galvanized steel.
2. Corrosion of building water piping and building supply piping can increase the amount of corrosion related pollutants in the received water supply.
3. Prohibiting the use of galvanized malleable iron, galvanized wrought iron and galvanized steel will significantly reduce the amount of corrosion related pollutants in the received water supply.

**SECTION 2.** Section 11-107A of Article 1, Chapter 11 of the Fresno Municipal Code is amended pursuant to the following:

**CPC Chapter 6. Materials for building water piping:** The third paragraph of Section 604.1 of the California Plumbing Code is hereby deleted in its entirety and amended to read:

[Materials for building water piping and building supply piping shall be in accordance with the applicable standards referenced in Table 6-4. Galvanized malleable iron, galvanized wrought iron or galvanized steel are prohibited materials for use both underground and in buildings.]

The above provisions shall be inserted into the CPC based upon the section numbers indicated. If the section number used is the same as a number used in the CPC, the provision provided below is intended to replace the same numbered provision in the CPC.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

RECEIVED  
2015 SEP 12 P 1:50  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

Certified Copy *Maria Maus*  
City Clerk's Office *-vcm*  
Date 9/7/16



\*\*\*\*\*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 18<sup>th</sup> day of August, 2016, by the following vote:

AYES: Baines, Brand, Brandau, Quintero, Soria, Caprioglio  
NOES: None  
ABSENT: Olivier  
ABSTAIN: None

Mayor Approval: August 26<sup>th</sup>, 2016  
Mayor Approval/No Return: N/A, 2016  
Mayor Veto: N/A, 2016  
Council Override Vote: N/A, 2016

YVONNE SPENCE, CMC  
City Clerk

BY: *Yvonne Spence*  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN,  
City Attorney

BY: *[Signature]* 8/30/2016  
Date  
TALIA KOLLURI-BARBICK  
Senior Deputy City Attorney

TKB:dy [71967dy/tbk] 07/22/16

RECEIVED  
2016 SEP 12 P 1:59  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

Certified Copy *Maria Mante*  
City Clerk's Office  
Date 9/7/16



August 19, 2016

RECEIVED

Council Adoption: 8/18/2016  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC  
City Clerk

2016 SEP 29 PM 1 32  
CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 8/18/16, Council adopted the attached Bill No. B-27 and Ordinance No. 2016-25, entitled, **Amending Section 11-107A of the Fresno Municipal Code relating to plumbing regulations and affirming the express findings for the modifications contained in the City of Fresno Plumbing Code.** Item No. 1-P, ID#16-903, by the following vote:

Ayes : Baines, Brandau, Brand, Caprioglio, Quintero, Soria  
Noes : None  
Absent : Olivier  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before August 29, 2016. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

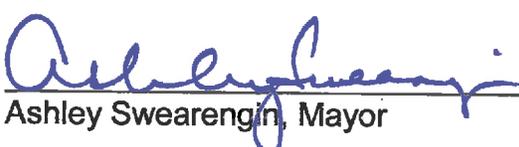
Thank you.

\*\*\*\*\*

**APPROVED/NO RETURN:** \_\_\_\_\_

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_

  
Ashley Swearengin, Mayor

Date: 8.26.16

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :

Certified Copy Maria Monty - cmc  
City Clerk's Office  
Date 9/7/16

RECEIVED  
2016 SEP 12 PM 2:00  
CITY CLERK'S OFFICE  
STANDARD OF COMMISSION