BUILDING STANDARDS COMMISSION
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Sacramento, California 95833-2936
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January 8, 2014

Mary E. Wirtes
City Clerk
City of Ontario
303 East "B" Street
Ontario, CA 91764

RE: Ordinance #2976

Dear Ms. Wirtes:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 5, 2013.

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,

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

ORDINANCE NO. 2976

2013 DEC -5 P 12:50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 4 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE; ADOPTING BY REFERENCE WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND CHANGES THERETO, THE 2013 CALIFORNIA FIRE CODE AND THE 2012 INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING, AND USE OF HAZARDOUS SUBSTANCES, MATERIALS, AND DEVICES AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 2927 OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA.

WHEREAS, pursuant to Government Code Section 50022.1 *et seq.*, the City of Ontario, California ("City") may adopt by reference the 2013 edition of the California Building Standards Code as provided in Title 24 of the California Code of Regulations; and

WHEREAS, pursuant to California Government Code Section 50022.2, the City desires to adopt by reference, the 2013 California Fire Code and the 2012 International Fire Code (California Code of Regulations, Title 24, Part 9); and

WHEREAS, California Health and Safety Code Sections 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications that are determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, prior to making modifications permitted under California Health and Safety Code Sections 17958.7 and 18941.5, the City Council is required to make express findings that such modifications are needed in accordance with California Health and Safety Code Sections 17958.7; and

WHEREAS, the City Council desires to amend the following provisions of the 2013 California Fire Code and the 2012 International Fire Code:

1.	Section 103.1	General
2.	Section 103.2	Appointment
3.	Section 103.3	Deputies
4.	Sections 103.4 and 103.4.1	Liability and Legal Defense
5.	Section 104.10	Investigations
6.	Section 105.6.48	Pallets
7.	Section 107.6	Owner/Occupant Responsibility
8.	Section 109.4	Penalties
9.	Section 503.4	Obstruction of Fire Apparatus Access Roads

10.	Section 505.3	Directories
11.	Section 806.1.1	Restricted Occupancies
12.	Section 901.11	Large Buildings
13.	Section 903.3.8	Floor Control Valves
14.	Section 2308.1	General
15.	Section 2804.5	Water Supply
16.	Section 2808.1	General
17.	Section 2808.3	Size of Piles
18.	Section 2808.4	Pile Separation
19.	Section 2808.5	Combustible Waste
20.	Section 2808.10	Emergency Plan
21.	Section 5001.7	Unattended Parking
22.	Section 6104.5	Container Positioning
23.	Appendix B Section B105.2	Buildings Other Than One- and Two-Family Dwellings

WHEREAS, the City held a public hearing on November 5, 2013 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on October 23, 2013; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. The City Council hereby finds that the following proposed amendments to the 2013 California Fire Code and the 2009 International Fire Code (1) are necessary because of local climatic, geological, or topographical conditions, or (2) are of an administrative or procedural nature, and/or do not modify building standards and are reasonably necessary to safeguard life and property within the City.

Amendment	Applicable Findings from Listing Below
Sections 103.1, 103.2, 103.3, 103.4, 103.4.1, 104.10, 105.6.48, 107.6, 109.4	D-1
Section 503.4	D-2
Section 505.3	B-2, B-5, C-1, C-3 & C-4
Section 806.1.1	D-2
Section 901.11	A-1, A-2, B-2, B-3, B-4, B-5, B-6, C-1, C-2, C-3 & C-4
Section 903.3.8	D-1
Section 2308.1	A-1, B-2, B-4, B-6 & C-1
Section 2804.5	B-1, B-2, B-3, C-1, C-2 & C-3
Sections 2808.1, 2808.3, 2808.4, 2808.5, 2808.10	C-1, C-2, C-3 & C-4

Section 5001.7	A-1, A-2, B-2, B-3, B-6, C-1, C-3 & C-4
Section 6104.5	A-2, B-2, C-1, C-2 & C-3
Appendix B Section B105.2	A-1, B-2, B-3, B-4 & B-5

A. Local Geological Conditions.

A-1. The City of Ontario is subject to moderately strong to severe shaking and surface ruptures resulting from five earthquake faults located within or near the City. These local earthquake faults have the potential to cause severe personal and property damage and fire hazards. Moreover, there is also a potential for damage to roadways, water supplies, and the impairment of access allowing fire equipment to respond to emergencies in the event of a severe earthquake.

A-2. Adverse geological conditions exist in portions of the City that may cause excessive flooding. Flood control facilities are not adequate to handle the water flow that occurs during major storms or prolonged rains. Some of the streets in the City are actually designed and used for flood control purposes, thus making the fire and emergency access difficult during flood conditions. As a consequence, many of the streets within the City are impaired during such flood conditions and such flooding causes physical damage to the streets and the accumulation of debris, all of which hinder access to fire equipment for the purposes of responding to fire and other emergencies.

B. Local Topographical Conditions.

B-1. The topography of the City of Ontario is generally that of a gently sloping inclined plane that slopes in a southerly direction from an elevation of 1,190 feet to an elevation of 730 feet at the southern boundary of the City resulting in several water pressure zones to serve the City. The elevation changes caused by the mountains and hills creates the geological foundation upon which the City is built and will continue to build.

B-2. Located within the City are two major interstate freeways and a major state highway that provide for limited under crossing access points to traverse the City. These highways also restrict the ability of the water supply grid to provide water from multiple points to all areas of the City and necessitates the use of dead-end water mains to many areas adjacent to highways.

B-3. The City is bisected from east to west by two very active railroad main route tracks used by the Southern Pacific and Union Pacific Railroads. These lines are used for both commuter and large freight transport trains, including the transporting of large quantities of hazardous materials. Limited undercrossings and overcrossings exist within the City for uninterrupted emergency vehicle passage. Moreover, emergency vehicles are routinely delayed at grade crossings until passenger trains or passing freight trains clear the grade crossings.

B-4. Two large petroleum product pipelines bisect the City along the Southern Pacific Railroad right-of-way. The pipelines are used to transport large quantities of gasoline, diesel fuel, and jet fuels under high pressures. Another petroleum

pipeline intersects the City along the east side en-route to the Etiwanda electrical generating station north and east of the City. While generally underground, these pipelines pass overhead at several overpasses located over main thoroughfares in the City. Damage to these pipelines during seismic events poses the dual potential of creating a time emergency and at the same time restricting emergency vehicle access within the City.

B-5. Two large, high pressure, natural gas transmission pipelines traverse the easterly part of the City, along the I-15 Freeway and on the west side along Benson Avenue. These 36" transmission mains transport natural gas at pressures exceeding 500 psi and pass through developed residential and industrial areas. These transmission pipelines also intersect the previously mentioned petroleum pipelines. Interruption of these pipelines due to flooding or seismic events is possible and would result in reduced resources to protect the balance of the City.

B-6. A large commercial airport is located within the central portion of the City providing limited emergency vehicle access from the north to the south central portions of the City. A majority of the City is located within the approach and/or departure paths of large commercial aircraft exposing a large part of the City to potential aircraft related emergencies. Moreover, Santa Ana Winds frequently require the flight paths of arriving and departing aircraft to be reversed.

C. Local Climatic Conditions.

C-1. The City is subject to extremely strong winds, commonly referred to as "Santa Ana Winds," which can reach speeds in excess of 80 miles per hour and approach the basin from the desert via the Devore Pass. Extensive damage often occurs during such winds, including downed electric wires, downed poles, fallen trees, blowing debris, sand, and dust. Blowing dust experienced during these winds has reduced visibility near zero and impacted the response times of emergency vehicles.

C-2. During the summer months, the Santa Ana Winds produce period of extremely low humidity causing an increase in the threat of fire from dry vegetation and other common fuels. These conditions have, in the past, resulted in vegetation and structure fires.

C-3. The City experiences summer temperatures in excess of 100 degrees Fahrenheit. When coupled with severe Santa Ana Winds these conditions can cause a fire to spread quickly throughout portions of the City.

C-4. Weather conditions, coupled with flammable vegetation in bordering cities results in numerous wildland rims, which draw existing fire fighting forces from their structure protection duties for extended periods of time. This results in increased response times to structure fires when fire department personnel and equipment are committed to nonstructural fire protection activities.

D. Administrative/Procedural/Public Safety Amendments.

D-1. This amendment is necessary for administrative or procedural clarification and to establish administrative standards for the effective enforcement or the building standards of the City of Ontario and does not modify a building standard pursuant to California Health & Safety Code sections 17958, 17958.7, and/or 18941.5.

D-2. This amendment does not modify a building standard pursuant to California Health and Safety Code sections 17958, 17958.7, and/or 18941.5 and is reasonably necessary to safeguard life and property within the City of Ontario.

SECTION 2. Chapter 4 of Title 4 of the Ontario Municipal Code is hereby amended in its entirety to read as follows:

Chapter 4: Fire Code

Sections:

4-4.01	Adoption of International Fire Code
4-4.02	Cost Recovery
4-4.03	Establishment of the Limits of Districts in Which Stationary Containers of Flammable Cryogenic Fluids are Prohibited
4-4.04	Establishment of the Limits of Districts in Which Storage of Class I and Class II Liquids in Unprotected Aboveground Tanks and in Below Grade Vaulted Tanks is Prohibited
4-4.05	Establishment of the Limits in Which Storage of Liquefied Petroleum Gases is Restricted for the Protection of Heavily Populated or Congested Areas
4-4.06	Amendments to the 2013 California Fire Code and 2012 International Fire Code, Generally
4-4.07	Amendment: General
4-4.08	Amendment: Appointment
4-4.09	Amendment: Deputies
4-4.10	Amendment: Liability and Legal Defense
4-4.11	Amendment: Investigations
4-4.12	Amendment: Pallets
4-4.13	Amendment: Owner/Occupant Responsibility
4-4.14	Amendment: Violation Penalties
4-4.15	Amendment: Obstruction of Fire Apparatus Access Roads
4.4.16	Amendment: Directories
4-4.17	Amendment: Restricted Occupancies
4.4.18	Amendment: Large Buildings
4-4.19	Amendment: Floor Control Valves
4-4.20	Amendment: General
4-4.21	Amendment: Water Supply
4-4.22	Amendment: General
4-4.23	Amendment: Size of Piles
4-4.24	Amendment: Pile Separation
4-4.25	Amendment: Combustible Waste

4-4.26 Amendment: Emergency Plan
4-4.27 Amendment: Unattended Parking
4-4.28 Amendment: Container Positioning
4-4.29 Amendment: Buildings Other Than One- and Two-Family Dwellings

Section 4-4.01. Adoption of the International Fire Code

The City Council of the City of Ontario hereby adopts by reference with certain amendments, additions, deletions and exceptions, the 2012 International Fire Code, with errata, incorporating therein the 2013 California Fire Code, Part 9 of Title 24 of the California Code of Regulations, including Appendix Chapters B, E, and F of the 2012 International Fire Code, as compiled and published by the International Code Council (collectively the "Ontario Fire Code"), for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion. One copy of the Ontario Fire Code is on file in the Office of the City Clerk and is hereby adopted and made a part of this Chapter as if fully set forth at length herein. From the date on which this Ordinance shall take effect, the provisions of the Ontario Fire Code shall be controlling within the City limits of the City of Ontario.

Section 4-4.02. Cost Recovery.

(A) Expense for Securing an Emergency.

1. Fire suppression, investigation and rescue or emergency medical costs shall be recoverable in accordance with Health & Safety Code Sections 13009 and 13009.1.

2. Any person or entity who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to, a traffic accident or spill of toxic or flammable fluids or chemicals, is liable for the costs of securing and investigating such emergency, including those costs set out in Health & Safety Code Section 13009 *et seq.* and Government Code Section 53150 *et seq.* Any expense incurred by the Fire Department for securing such an emergency situation shall constitute a debt of the person or entity responsible and shall be subject to collection by the City in the same manner as an obligation under contract, expressed or implied.

3. The expense of securing and investigating any emergency or hazard which is the result of a violation of this Code or any other code, ordinance or state law, or any damages caused by malicious mischief requiring any corrective or preventive actions by the Fire Department shall be a charge against the person(s) or entity whose violation caused the emergency and/or damage. Damages caused by such emergency or action may constitute a debt of such person(s) or entity responsible and shall be collectible as provided below:

i. Liability for Hazardous Activities and Conditions. The Chief may also impose the reasonable cost of fire prevention, fire suppression, incident investigation and protection of the public from other safety hazards when a fire or hazardous condition results from any of the following activities or conditions:

(1) The manufacture, transportation, storage, handling, or spilling, of hazardous chemicals, flammable or combustible liquids, explosives, or blasting agents as defined in this Code; and
(2) The failure to correct a hazardous condition for which a "Notice of Violation," or equivalent notice, has been previously given by the Chief; and
(3) The use of welding equipment, cutting torches, tar pot, or other open flame devices; and
(4) Permitting or causing the accumulation of hazardous or flammable materials on property; and
(5) Setting of a fire or allowing a fire to be set in violation of any code, ordinance, law or regulation; and
(6) The possession of, or causing illegal fireworks, explosive devices or destructive devices to ignite, explode or detonate; and
(7) Creating, allowing, or maintaining a hazard as stated in Ontario Fire Code Section 109.1.

ii. Determination of Costs. Whenever the Chief determines that the fire department or other public agency has incurred costs for fire suppression, fire prevention, or protection of the public from a fire or other hazardous condition that results from the activities or conditions described in subsection (a), the Chief shall:

(1) Calculate the costs incurred;
(2) Identify the person(s) or entity to be charged for those costs;
(3) Send a report with this information to the City Clerk.

iii. Method of Calculation. In determining costs to be charged a responsible person or entity, the Chief shall include all necessary expenditures to correct the hazardous condition or extinguish the fire, including, but not limited to the following:

(1) The cost of personnel;
(2) The cost of extinguishing agents;
(3) The reasonable value of the use of City equipment;
(4) The cost incurred for the use of any private contractors to mitigate or remove the hazard or condition; and
(5) Any and all administrative costs incurred pursuant to the fee schedule as set by resolution duly adopted by the City Council.

iv. Reimbursement Hearing. The City Clerk shall, thereupon, set the report and account received by the Chief for hearing before the City Council at a regular or adjourned regular meeting to be held at least 14 calendar days after the date the Clerk mails the notice to the responsible person(s) or entity. The City Clerk shall send by regular mail a Notice of said hearing to the person or entity to be charged at the person's or entity's address as shown on the latest equalized tax assessor's roll, or as otherwise known to the City.

v. Notice to Person Charged. The Notice sent by the City Clerk to the responsible person(s) or entity shall contain:

(1) The name of the person(s) or entity sought to be charged; and
(2) The location, date and time of the incident upon which the claim for reimbursement is based; and
(3) The amount of, and the basis upon which the claim for reimbursement is made; and
(4) The date, time and place of the hearing to be held on the claim for reimbursement with a statement describing the rights of the person or entity charged and the procedures for presenting evidence at said hearing; and
(5) The Chief's account of the sum claimed to be due.

vi. Procedure for Hearing Before the City Council. At the hearing on the Chief's accounting of the costs and other evidence upon which reimbursement is sought, the City Council shall hear and consider evidence by the person or entity against which reimbursement is sought. The City Council shall thereafter confirm or disallow the account, all or in part, and set forth in a resolution the amount of the account confirmed, if any. Thereafter, any amount confirmed by resolution of the City Council shall become a debt owing to the City of Ontario and shall be collectible by the City in the same manner as in the case of an obligation under contract expressed or implied.

(B) Service Fees.

1. Permit Fees. Any person, establishment, business, occupancy, or process requiring any permit or utilizing any special service or activity performed by or under the direction of the Fire Department shall compensate the City for the cost of such service or activity, in accordance with the adopted fee and charge schedule and any departmental policy.

2. Service Fee Refunds. The Fire Chief is authorized to refund any fee paid hereunder which is determine to be erroneously paid or collected.

i. The Fire Chief is authorized to refund eighty percent (80%) of the service fee paid when the permittee has performed no work under a permit issued in accordance with this Ordinance.

ii. The Fire Chief is authorized to refund eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is completed.

iii. The Fire Chief shall not authorize the refund of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date the fee was paid. Such written application shall state the reasons for the refund request and be accompanied with a receipt of payment.

Section 4-4.03. Establishment of the Limits of Districts in Which Stationary Containers of Flammable Cryogenic Fluids Are Prohibited.

The limits referred to in Section 5806.2 of the 2013 California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows:

1. All areas and zoning districts of the City except the General Industrial District of the City zoning ordinance, and with the specific approval of the Fire Chief.

Section 4-4.04. Establishment of the Limits of Districts in Which Storage of Flammable or Combustible Class I and Class II Liquids in Outside Unprotected Aboveground Tanks is Prohibited.

The limits referred to in Sections 5704.2.9.6.1 and 5706.2.4.4 of the 2013 California Fire Code in which the storage of flammable or combustible liquids in outside aboveground unprotected tanks are prohibited in all areas unless upon specific written findings, the Chief determines that the installation of flammable and combustible aboveground storage tanks or below grade vaulted tanks will not create a hazard to occupants and property owners in the area.

Section 4-4.05. Establishment of the Limits in Which Storage of Liquefied Petroleum Gases is Restricted for the Protection of Heavily Populated or Congested Areas.

The limits referred to in Section 6104.2 of 2013 California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows:

1. All areas and zoning districts of the City except the General Industrial District of the City zoning ordinance, and with the specific approval of the Fire Chief.

Section 4-4.06. Amendments to the 2013 California Fire Code (CFC) and 2012 International Fire Code (IFC), Generally.

Designated portions of the 2013 California Fire Code (CFC) and 2012 International Fire Code (IFC) are amended and changed as set forth in Sections 4-4.07 through 4-4.30.

Section 4-4.07. Amendment: General.

Section 103.1 of the IFC is amended to read as follows:

"103.1 General. The Fire Code as adopted and amended herein shall be enforced by the Bureau of Fire Prevention of the Fire Department of the City of Ontario which is hereby established and shall be operated under the supervision of the Chief of the Fire Department."

Section 4-4.08. Amendment: Appointment.

Section 103.2 of the IFC is amended to read as follows:

"103.2 Appointment. The Fire Marshal shall be responsible for operating the Bureau of Fire Prevention and shall be appointed by the Fire Chief on the basis of examination to determine his or her qualifications."

Section 4-4.09. Amendment: Deputies.

Section 103.3 of the IFC is amended to read as follows:

"103.3 Deputies. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and/or nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause."

Section 4-4.10. Amendment: Liability and Legal Defense.

Section 103.4.1 of the IFC is hereby deleted and Section 103.4 of the IFC is amended to read as follows:

"103.4 Liability and legal defense. The Chief and other individuals charged by the Chief with the control or extinguishment of any fire, the enforcement of this Code or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the Chief or such individuals because of such act or omission performed in the enforcement of any provision of such Code or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by this jurisdiction subject to the provisions of Government Code Section 825."

Section 4-4.11. Amendment: Investigations.

Section 104.10 of the CFC is amended to read as follows:

"104.10 Investigations. The Fire Department is authorized to investigate promptly the cause, origin and circumstances of each and every fire or explosion occurring in the jurisdiction involving loss of life or injury to any person or destruction or damage to property and, if it appears to the Fire Prevention Bureau that such fire or explosion is of suspicious origin, is authorized to take immediate charge of all physical evidence relating to the cause of the fire or explosion and is authorized to pursue the investigation to its conclusion. Fire investigators shall have the powers of a police officer in performing their duties under this code. The Chief is authorized to investigate the cause, origin and circumstances of unauthorized releases of hazardous materials. The Police Department is authorized to assist the Fire Department in its investigations when requested to do so."

Section 4-4.12. Amendment: Pallets.

Section 105.6.48 is added to the IFC to read as follows:

"105.6.48 Pallets. An operational permit is required for idle storage, handling, repair or manufacturing of combustible pallets having in excess of 1,000 units at any one site."

Section 4-4.13. Amendment: Owner/Occupant Responsibility.

Section 107.6 is added to the IFC to read as follows:

"107.6 Owner/Occupant responsibility. This code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code."

Section 4-4.14. Amendment: Violation penalties.

Section 109.4 of the IFC is amended to read as follows:

"109.4 Violation penalties. Any person who violates any of the provisions of the Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable as set forth in Chapter 2 of Title I of the Ontario Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions."

Section 4-4.15. Amendment: Obstruction of Fire Apparatus Access Roads.

Section 503.4 of the CFC is amended to read as follows:

"503.4 Obstruction of fire apparatus access roads. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Access roads, private roadways and public roadways shall be provided and maintained in a passable condition at all times. Any obstruction or impediment to reasonable access may be removed by any public safety agency with the expense of such removal to be borne by the owner of the roadway, or in the case of an obstructing vehicle or object, by the owner of said vehicle or object."

Section 4-4.16. Amendment: Directories.

Section 505.3 of the CFC is added to read as follows:

"505.3 Directories. When required by the Chief, an approved directory shall be provided at designated vehicular and/or pedestrian entrances to facilities, complexes or buildings."

Section 4-4.17. Amendment: Restricted occupancies.

Section 806.1.1 of the CFC is amended to read as follows:

"806.1.1 Restricted occupancies. Natural cut trees shall be prohibited in Group A, B occupancies 4 or more stories in height, E, I-1, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.

Exceptions:

1. Trees shall be allowed when they have been treated with a flame retardant in accordance with California Code of Regulations, Title 19.

2. Trees shall be allowed within dwelling units in Group R-2 occupancies."

Section 4-4.18. Amendment: Large buildings.

Section 901.11 of the CFC is added to read as follows:

"901.11 Large buildings. Any building encompassing 100,000 square feet aggregate floor area or larger may be required to provide special fire protection features, such as, but not limited to, looped underground fire mains, multiple points of connection to an approved public water supply, fire pumps, on-site water supply, interior/roof hose outlets, and exterior standpipe systems. Where such systems are installed, they shall be installed in accordance with appropriate recognized standards."

Section 4-4.19. Amendment: Floor Control Valves

Item number 2 in Section 903.3.8 of the CFC is hereby amended to read as follows:

"903.3.8 Floor Control Valves.

2. Buildings that are three or more stories in height."

Section 4-4.20. Amendment: General.

Section 2308.1 of the CFC is amended to read as follows:

"2308.1 General. Automotive, marine and aircraft motor vehicle fuel-dispensing stations utilizing CNG shall be in accordance with Section 2308 and Chapter 53. Facilities utilizing unodorized CNG shall have additional fire protection features as required by the Chief."

Section 4-4.21. Amendment: Water Supply.

Section 2804.5 of the CFC is added to read as follows:

"2804.5 Water supply. An approved water supply and fire hydrant system complying with Section 508 and capable of supplying 1,500 g.p.m. fire flow for two hours shall be provided within 150 feet of all portions of the yard. In areas without adequate fire flow, the Chief may modify requirements by requiring additional separation for storage of combustible material."

Section 4-4.22. Amendment: General.

Section 2808.1 of the CFC is amended to read as follows:

"2808.1 General. The storage and processing of wood chips, hogged materials, fines, compost and raw product produced from yard waste, debris, recycling, and green waste processing facilities shall comply with Sections 2808.2 through 2808.10."

Section 4-4.23. Amendment: Size of piles.

Section 2808.3 of the CFC is amended to read as follows:

"2808.3 Size of piles. Piles shall not exceed 15 feet (4572 mm) in height, 25 feet (7620 mm) in width and 250 feet (76 200 mm) in length.

> 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 up on the capabilities of the system installed."

Section 4-4.24. Amendment: Pile separation.

Section 2808.4 of the CFC is amended to read as follows:

"2808.4 Pile separation. Piles shall be separated from adjacent piles by approved fire apparatus access roads. Apparatus roads shall be a minimum of 20 feet (6096 mm)."

Section 4-4.25. Amendment: Combustible waste.

Section 2808.5 of the CFC is amended to read as follows:

"2808.5 Combustible waste. The storage, accumulation and handling of combustible materials and control of vegetation shall comply with Chapter 3. All incoming materials shall be ground or incorporated within 10 days. All incoming materials shall be incorporated into windrows within 15 days. Internal temperatures of stockpiles shall be monitored prior to incorporation into windrows."

Section 4-4.26. Amendment: Emergency plan.

Section 2808.10 of the CFC is amended to read as follows:

"2808.10 Emergency plan. The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the Ontario Fire Department Fire Prevention Bureau for review and approval. The plan shall include, but not be limited to methods and policies for:

1. Monitoring, controlling and extinguishing spot fires.
2. Emergency contact information for personnel who are able to respond to location 24 hours a day, 7 days a week.
3. Onsite equipment to assist with firefighting operations, such as dozers, water tenders, and large tractors.
4. Special considerations for fire safety during extreme weather conditions.
5. Method of providing adequate onsite water supply for firefighting operation. Water system shall have a minimum delivery/replenish capability of 500 gallons per minute for 2 hours.

Section 4-4.27. Amendment: Unattended parking.

Section 5001.7 of the CFC is added to read as follows:

"5001.7 Unattended parking. Parking of tank vehicles containing hazardous materials or any vehicle containing highly toxic materials shall comply with the requirements for tank vehicles as specified in Section 5706.6.2."

Section 4-4.28. Amendment: Container Positioning.

Section 6104.5 of the CFC is added to read as follows:

"6104.5 Container Positioning. Liquefied petroleum gas containers and tanks shall be positioned in relation to one another in such a manner so that the length axis of each tank is parallel to other tanks."

Section 4-4.29. Amendment: Buildings other than one- and two-family dwellings.

Appendix B Section B105.2 of the CFC is amended to read as follows:

"B105.2 Buildings other than one- and two-family dwellings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

Exceptions:

1. A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.

2. [SFM] Group B, S-2 and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:

   2.1. California State Parks buildings of an accessory nature (restrooms).
   2.2. Safety roadside rest areas, (SRRA), public restrooms.
   2.3. Truck inspection facilities, (TIF), CHP office space and vehicle inspection bays.
   2.4. Sand/salt storage buildings, storage of sand and salt."

SECTION 3. The Fire Marshal shall transmit a copy of this Ordinance to the California Building Standards Commission, pursuant to Health and Safety Code Section 17958.7.

SECTION 4. Repeal of Conflicting Ordinances. Ordinance No. 2927, all former Ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Fire Code, as adopted and amended herein, are hereby repealed.

SECTION 5. Severability. The City Council of the City of Ontario hereby declares that should any section, paragraph, sentence or word of this ordinance or of the Fire Code as adopted and amended herein be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination therefrom of any such portion as may be declared invalid.

SECTION 6. Effect. This ordinance shall take effect and be in force thirty (30) days after its final passage.

SECTION 7. CEQA. The City Council finds that the changes made to the California Fire Code and the International Fire Code are enacted to mitigate threats to public peace, health and safety from earthquakes, high winds and fire. Moreover, the amendments are substantially similar to those provisions previously enacted and contained in the current version of the City's Fire Code. Therefore, it can be seen with certainty that the adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption within five (5) days of the adopting of this Ordinance.

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 19th day of November 2013.

PAUL S. LEON, MAYOR

ATTEST:

for MARY E. WIRTES, MMC, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, MARY E. WIRTES, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 2976 was duly introduced at a regular meeting of the City Council of the City of Ontario held November 5, 2013 and adopted at the regular meeting held November 19, 2013 by the following roll call vote, to wit:

AYES:	MAYOR/COUNCIL MEMBERS:	LEON, BOWMAN, WAPNER, DORST-PORADA AND AVILA
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE

Linda Kasad, MMC, Asst. City Clerk
for MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 2976 duly passed and adopted by the Ontario City Council at their regular meeting held November 19, 2013 and that Summaries of the Ordinance were published on November 12, 2013 and November 26, 2013, in the Inland Valley Daily Bulletin newspaper.

Linda Kasad, MMC, Asst. City Clerk
for MARY E. WIRTES, MMC, CITY CLERK

(SEAL)

(Space below for use of County Clerk only)

INLAND VALLEY
DAILY BULLETIN
(formerly The Daily Report)

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Ontario, CA 91764

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PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of San Bernardino

I am a citizen of the United States, I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation printed and published daily in the City of Ontario, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, on the date of August 24, 1951, Case Number 70663. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

11/12/13

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Ontario, San Bernardino Co. California
this 12 day of November, 2013

signature

Proof of

PUBLIC NOTICE OF PROPOSED ADOPTION OF CITY OF ONTARIO ORDINANCE NO. 2976

NOTICE IS HEREBY GIVEN that on November 19, 2013 the City Council of the City of Ontario will consider adoption of proposed Ordinance No. 2976 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 4 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE, ADOPTING BY REFERENCE WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND CHANGES THERETO, THE 2013 CALIFORNIA FIRE CODE AND THE 2012 INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING, AND USE OF HAZARDOUS SUBSTANCES, MATERIALS, AND DEVICES AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES, AND REPEALING ORDINANCE NO. 2927 OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA.

A copy of the full text of the proposed ordinance is available for review in the office of the City Clerk, City of Ontario, 303 East B Street, Ontario, California 91764, Monday through Thursday, 7:30 a.m. to 5:30 p.m. and Friday, 8:00 a.m. to 5:00 p.m.

Dated: November 6, 2013

s/VICKI KASAD, MMC,
ASSISTANT CITY CLERK

Publish: Daily Bulletin
November 12, 2013 #443116