

BUILDING STANDARDS COMMISSION

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



February 21, 2014

Willard D. Epps
Fire Chief
City of Tulare Fire Department
800 South Blackstone
Tulare, CA 93274

RE: Ordinance #13-07

Dear Mr. Epps:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 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 blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



FIRE DEPARTMENT
Willard D. Epps, Fire Chief

800 South Blackstone
Tulare, CA 93274

Tel: 559.684.4360
Fax: 559.685.2397

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BUILDING STANDARDS COMMISSION
CITY OF TULARE
BUILDING STANDARDS COMMISSION

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

January 30, 2014

This letter is notifying the Building Standards Commission on the local modifications that the Tulare City Council has reviewed, approved and adopted for the 2013 California Building and Fire Codes as they will be available in the Tulare Municipal Code, Ordinance # 13-07.

Included with this letter you will find the new modifications to the local municipal code, local findings, and the signed and dated City Council approval.

If there are any questions or concerns with this submittal package please contact the Fire Prevention Division at (559) 684-4364.

Respectfully Submitted,

Willard D. Epps, Fire Chief

ORDINANCE 13- 07

**AN ORDINANCE OF THE COUNCIL OF TULARE
ADOPTING AMENDED SECTIONS OF CHAPTERS 4.04, 4.44, AND 3.08 AND
ADDING SECTIONS 4.04.100 AND 4.04.110 OF THE CITY CODE OF TULARE,
CALIFORNIA PERTAINING TO BUILDING AND FIRE REGULATIONS**

WHEREAS, uniform building and fire codes are developed and published every three years by the professional organization of building and fire official experts; and

WHEREAS, these codes are adopted by the State of California and by local communities with amendments pertinent to local conditions; and

WHEREAS, the City Council of the City of Tulare finds that conditions warrant certain amendments to the model uniform codes related to building and fire;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TULARE DOES ORDAINED AS FOLLOWS:

SECTION 1: Chapter 4.04 California Building Codes of the City Code of Tulare is adopted to read as follows:

Chapter 4.04: California Building Codes

4.04.010 California Administrative Code

2013 California Administrative Code, Title 24, part 1 is hereby adopted as though set forth in full.

4.04.020 California Building Code

2013 California Building Code, Title 24, part 2, Volume 1 and 2, is hereby adopted as though set forth in full.

4.04.030 California Residential Code

2013 California Residential Code, Title 24, part 2.5 is hereby adopted as though set forth in full.

4.04.040 California Electrical Code

2013 California Electrical Code, Title 24, Part 3 is hereby adopted as though set forth in full.

4.04.050 California Mechanical Code

2013 California Mechanical Code, Title 24, Part 4 is hereby adopted as though set forth in full.

4.04.060 California Plumbing Code

2013 California Plumbing Code, Title 24, Part 5 is hereby adopted as though set forth in full.

4.04.070 California Energy Code

2013 California Energy Code, Title 24, Part 6 is hereby adopted as though set forth in full.

4.04.080 California Green Building Standards Code

2013 California Green Building Code, Title 24, Part 11 is hereby adopted as though set forth in full.

4.04.090 California Referenced Standards Code

2013 California Referenced Standards Code, Title 24, Part 12 is hereby adopted as though set forth in full.

4.04.100 California Historical Building Code

2013 California Historical Building Code, Title 24, Part 8 is hereby adopted as though set forth in full.

4.04.110 California Existing Building Code

2013 California Existing Building Code, Title 24, Part 10 is hereby adopted as though set forth in full.

Chapter 4.44: Abatement of Dangerous Buildings

4.44.010 Code for the Abatement of Dangerous Buildings

The 1997 Uniform Code for the Abatement of Dangerous Buildings is hereby adopted as though set forth in full.

Chapter: 3.08 Fire Prevention Code

SECTION 2: Section 3.08.010 of Chapter 3.08 (FIRE PREVENTION CODE) of Title 3 of the City Code of Tulare is hereby deleted and replaced to read as follows:

§ 3.08.010 Adoption of Fire Codes, Regulations and Standards. The City of Tulare hereby adopts and incorporates into this code, as if fully set forth at length herein except as modified or amended by Section 3.08.070 of this code, the following fire codes, standards and regulations to be controlling within City limits:

1. The 2013 California Fire Code (CFC), which is drafted in the image of the 2012 International Fire Code (IFC), and which is found in California Code of Regulations, Title 24, part 9, including Appendixes B through K; and
2. The most current additions of the following National Standards:
 - NFPA 13, Standard for the Installation of Sprinkler Systems;

- NFPA 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes;
- NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height;
- NFPA 14, Standard for the Installation of Stand Pipe and Hose Systems;
- NFPA 25, Standard for the Inspection, Testing and Maintenance of Water Based Fire Protection Systems;
- NFPA 72, National Fire Alarm Code; and
- NFPA 610, Guide for Emergency and Safety Operations at Motorsports Venues

SECTION 3: Section 3.08.040 is hereby deleted. California Fire Code, chapter 57 shall be used to determine the storage, handling, transportation, installation, and use of flammable and combustible liquids.

SECTION 4: Section 3.08.050 is hereby deleted. California Fire Code, chapter 61 shall be used to determine the storage, handling, transportation, installation, and use of liquefied petroleum gases.

SECTION 5: Section 3.08.060 is hereby deleted. California Fire Code, chapter 56 shall be used to determine the storage, handling, transportation, installation, and use of explosives and fireworks.

SECTION 6: Section 3.08.070 of Chapter 3.08 (FIRE PREVENTION CODE) of Title 3 of the City Code of Tulare is hereby amended and shall read as follows:

§ 3.08.070 Amendments to the California Fire Code (CFC).

The following Sections of the California Fire Code (CFC) are amended and modified, for purposes of this ordinance, as follows:

Section 105.6.30 #3 of the California Fire Code is amended to read:

3. The fire code official is authorized to order the immediate extinguishment of any unauthorized open burning and may issue administrative citations and seek to recover costs in accordance with Sections 109.4 and 109.4.1 of this Code.

Section 105.6.15 of the California Fire Code is amended to read:

105.6.15 Fire Hydrants A permit is required to use fire hydrants intended for fire suppression purposes, which are installed on water systems and accessible to public roadways, alleys, or public utility easements on private property. Such permit shall be obtained from the Water Division of the City, or person responsible for the provision of water to such fire hydrants or water systems within the city.

Exception: A permit is not required for authorized employees of the water department, which supplies the system or the fire department to use or operate fire hydrants or valves.

Section 109.2.1 of the California Fire Code has been deleted and replaced by California Fire Code (CFC) section 109.3.1.

Section 109.3 of the California Fire Code has been deleted and replaced by California Fire Code (CFC) section 109.4.

Section 109.3.1 of the California Fire Code (CFC) has been deleted and replaced by California Fire Code (CFC) section 109.4.1 and be amended to read:

109.4.1 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 109.4 of the California Fire Code has been deleted and replaced by California Fire Code (CFC) section 109.5.

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 505.1 of the California Fire Code is amended to read:

505.1 Address Identification. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Address numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) unless larger size numbers are specified by the fire code official. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure.

Section 506 of the California Fire Code is amended to read:

506.1. Restricted Access and Key Box Provisions. Where access to or within a structure or an area is restricted because of secured openings, or the building or structure is protected by

an approved automatic fire sprinkler system, the Fire Code Official is authorized to require a key box to be installed in an approved location. Installation requirements and key box contents shall be in accordance with Fire Prevention Division Standards.

Section 901.10 of the California Fire Code has been deleted and replaced by California Fire Code (CFC) **section 901.11** and be amended to read:

901.11. Fire Extinguishing Systems. All fire extinguishing systems required by this ordinance shall be installed in accordance with the requirements set forth in the most recently adopted California Fire Code. All fire extinguishing systems shall be approved by the Building Department and Fire Department and shall be subject to periodic tests as may be required by the authority having jurisdiction.

Section 903.2.7.1 of the California Fire Code (CFC) has been amended to read:

903.2.7.1 High-Piled Storage. An automatic sprinkler system shall be provided as required in chapter 32 of the CFC in all buildings of Group M where in the storage of merchandise is in high- piled or rack storage arrays.

Section 903.1.2 of the California Fire Code has been deleted and replaced by California Fire Code (CFC) section 903.7.

Section 903.1.3 of the California Fire Code has been deleted and replaced by California Fire Code (CFC) section 903.7.1.

Section 3301.2 of the California Fire Code has deleted and replaced by California Fire Code (CFC) section 5601 and is amended to read:

(j) (4) the hours of operations shall be limited as identified in Section 5601 (b).

SECTION 7: This ordinance shall be in full force and effective thirty (30) days from and after its passage, adoption, and approval.

SECTION 8: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED THIS 3rd DAY OF December, 2013.

David Macedo
President of the Council and Ex-Officio
Mayor of the City of Tulare

ATTEST:

[Signature]
Chief Deputy City Clerk and Clerk of the
Council of the City of Tulare



STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF TULARE)

I, DON DORMAN, City Clerk of the City of Tulare and Clerk of the Council of said city, do hereby certify that the foregoing Ordinance No. 13-07 was duly adopted by the City Council of said city and was signed by the President of said Council at a regular meeting of said City Council held on the 3rd day of December, 2013 and was approved by the following vote:

AYES:	COUNCIL MEMBERS:	Craig Vejvoda Shea Gowln David Macedo
NOES:	COUNCIL MEMBERS:	Skip Barwick
ABSTAIN:	COUNCIL MEMBERS:	N/A
ABSENT:	COUNCIL MEMBERS:	Carlton Jones



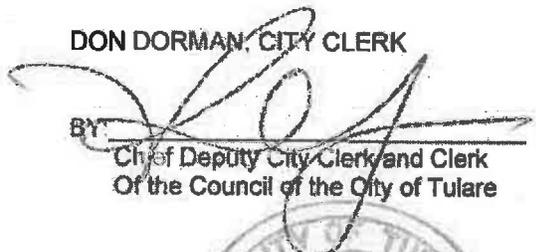
DON DORMAN, CITY CLERK

BY: 
Chief Deputy City Clerk and Clerk
Of the Council of the City of Tulare

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF TULARE)

I, DON DORMAN, City Clerk of the City of Tulare and Clerk of the Council of said city, do hereby certify that at a regular meeting of said City Council held on the 19th day of November 2013, the foregoing Ordinance No. 13-07 was duly and regularly introduced, passed-to-print and ordered published in the Tulare Advance Register, a newspaper of general circulation published in the City of Tulare, by the following vote:

AYES:	COUNCIL MEMBERS:	Craig Vejvoda David Macedo Shea Gowin
NOES:	COUNCIL MEMBERS:	Skip Barwick Carlton Jones
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

DON DORMAN, CITY CLERK
BY: 
Chief Deputy City Clerk and Clerk
Of the Council of the City of Tulare



ORDINANCE NO. 13-07

Summary of Ordinance:

An Ordinance of the Council of City of Tulare Adopting Amended Sections of Chapters 4.04, 4.44, and 3.08 and Adding Section 4.04.100 and 4.04.110 of the City Code of Tulare, California pertaining to Building and Fire Regulations

Every three years the California Building Standards Code is published. The 2013 California Building Standards Code was published on July 1, 2013 and will go into effect on January 1, 2014. This ordinance will reflect the changes in California Building Standards Code.

The following codes go into effect on January 1, 2014:

- California Building Standards Administrative Rules
- California Building Code
- California Residential Building Code
- California Electrical Code
- California Mechanical Code
- California Plumbing Code
- California Energy Code
- California Green Building Code
- California Referenced Standards Code
- California Fire Code

Copy of full ordinance will be made available at the office of the City Clerk, City Hall, 411 East Kern Avenue, Tulare.

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF TULARE)

I, DON DORMAN, City Clerk of the City of Tulare and Clerk of the Council of said city, do hereby certify that at a regular meeting of said City Council held on the 19th day of **November 2013**, the foregoing **Ordinance No. 13-07** was passed-to-print and ordered published in the Tulare Advance Register, a newspaper of general circulation published in the City of Tulare, by the following vote:

AYES:	COUNCIL MEMBERS:	Craig Vejvoda David Macedo Shea Gowin
NOES:	COUNCIL MEMBERS:	Carlton Jones Skip Barwick
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

DON DORMAN, CITY CLERK

BY: *Roxanne Yoder*
Chief Deputy City Clerk and Clerk
of the Council of the City of Tulare



Non-administrative modifications to the California Fire Code must be based upon express findings of necessity relating to relating to local climatic, geological, or topographical conditions.

FINDINGS REGARDING LOCAL CLIMATIC, TOPOGRAPHICAL, AND GEOLOGICAL CONDITIONS

The following is a brief summary of the local climatic, topographical, and geological conditions, which make the local amendments to the California Fire Code reasonably necessary, including extreme temperatures, limited water supply and pressure, poor air quality and sunny days, and lower density development facilitated by local topography.

CLIMACTIC CONDITIONS – EXTREME TEMPERATURES

As documented in the City of Tulare General Plan and the Fire Department Master Plan, during the summer months the City of Tulare experiences periods of what can only be described as extreme heat. For example, a chart setting forth the high temperatures in Tulare, San Francisco, and San Diego for each day from July 1, 2012, through July 31, 2012, as reported by the National Weather Service. During this approximately 31-day period, the average high temperature in Tulare 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 period, the average temperature in City of Tulare 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 Tulare 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 Section 17958.7 does not require the local conditions to be unique to a particular jurisdiction, the temperature chart demonstrates the temperatures experienced in Tulare are extreme as compared to temperatures experienced in other parts of California.

Due to the extreme heat the City of Tulare experiences during the summer months, City of Tulare 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.

GEOLOGICAL – LIMITED WATER SUPPLY AND WATER PRESSURE

The City of Tulare and surrounding areas are arid, which receives an average of 10 to 12 inches of precipitation per year occurring primarily in the winter months. Furthermore, the City of Tulare 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.

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

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, which prevent mixing of air masses. The large number of sunny days per year, and high temperatures in the summer favors the formation of ozone. In the winter, inversions form that often trap particulate matter.

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, non-attainment means the federal standard has been exceeded more than twice per year.

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). Because 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.¹ The San Joaquin Valley Air Pollution Control District states, "Emissions from burning include fine particulate, hydrocarbons, oxides of nitrogen, oxides of sulfur, carbon monoxide, and toxic air contaminants that contribute to our air quality problems."

TOPOGRAPHICAL – CITY OF TULARE DEVELOPMENT PATTERN

Due to the relatively low density growth pattern in the City of Tulare area, 3 fire stations are spaced approximately four miles apart resulting in an average of a two-mile running distance for the designated first-in company. This average two-mile travel distance increases the response time to fires, which result in an increase in the size and intensity of fires. Currently the Northeast section of the City of Tulare the fire department is experiencing response travel times in excess of six minutes.

FINDINGS REGARDING THE REASONABLY NECESSITY OF THE PROPOSED AMENDMENTS TO THE CALIFORNIA FIRE CODE GIVEN LOCAL CLIMATIC, TOPOGRAPHICAL, AND GEOLOGICAL CONDITIONS

As set forth in detail in the attached proposed Resolution and Ordinance, each of the amendments requiring express findings of necessity to the California Fire Code are reasonably

¹ Wildfire Smoke – A Guide for Public Health Officials (2001) Published by the Washington State Department of Health, p. 3.

necessary because of these local climatic, topographical, and geological conditions. The amendments may be generally characterized as relating to (1) solar panel installation; (2) fire sprinkler systems; (3) luminous exit markings; (4) additional regulation of lumber yards, woodworking, recycling, and waste handling facilities; and (5) additional regulation of motor fuel dispensing and repair garages, locations of above-ground tanks, the amount of Class 1 and Class II liquids at farms and construction sites in above-ground tanks and basement storage of flammable liquids.

SOLAR PANEL INSTALLATION

Local sunny conditions are conducive to a growing prevalence and use of solar panel arrays in the City of Tulare. The presence of solar panel arrays on the roofs of buildings present fire ground operational issues including restricted access points to the roof, delay in deploying ground ladders restricted locations for effective roof venting, and live direct current conductors on the roof and inside the attic. Solar panel placement done without regard to firefighter access and safety can result in additional working time on roofs, delay in fire suppression efforts and greater exposure by firefighters to health risks associated with exposure to sustained high temperatures, and increase in fire duration creating more smoke affecting air quality and requiring increased use of water. By establishing a layout for solar panel arrays that takes into account fire ground operation needs, fewer firefighters and less time will be needed to effect roof venting operations. This section incorporates Solar Photovoltaic Installation Guidelines promulgated by a California State Fire Marshal task force that included fire, building, and solar industry participation.

FIRE SPRINKLER SYSTEMS

Fire sprinkler systems have proven effective in suppressing and extinguishing structural fires using a small fraction of the water used with traditional fire suppression methods and resulting in the smaller fires or shorter duration and thus in the generation of far less smoke that effects air quality. Furthermore, because the fire sprinklers will limit the size and duration of fires, fewer fire personnel will be required to respond to said fires. This reduces the number of fire personnel who would be exposed to the health risk associated with sustained exposure to high temperatures and also addresses extended run time due to topography-related low density growth pattern in the City of Tulare. The modifications proposed in this category maintain existing amendments approved by Council in 2011.