ORDINANCE NO. 2007-223

AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING TITLES VI, ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA FIRE CODE, PART 9, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL ADOPTED BY THE STATE OF CALIFORNIA AND ADOPTING LOCAL AMENDMENTS THERETO

THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1

Pursuant to Health and Safety Code section 13143.5, 17958.5, and 17958.7, the Town Council of the Town of Windsor expressly finds that this chapter and the changes or modifications made herein to the 2007 Edition of the California Fire Code, including the adoption of fire protection sprinkler and fire alarm standards and the minimum fire safety standards for development with the Town, are reasonably necessary because of local climatic, geological, and topographical conditions as discussed following:

The Town Council makes the following findings pertaining to this chapter and its requirements:

a. This chapter and its requirements are consistent with and in furtherance of the goals, objectives and policies of the public safety element of the General Plan.

b. This chapter and its requirements are necessary because the failure to adopt them would place residents and property within the Town in a condition perilous to health or safety, or both.

c. This chapter and its requirements are necessary because growth and development within the Town has increased the potential for significant losses from wildland and structure fires and adversely impacted rural and wildland firefighting resources.

d. This chapter and its requirements are necessary because wildland fires are becoming an increasing threat to structures and loss of life, where in the past the only threat was to wildland resources.

e. This chapter and its requirements are necessary because structure fires are escaping to the surrounding wildlands and destroying other structures as well as wildland resources.

f. This chapter and its requirements are necessary because there are not enough firefighting resources available, even with mutual aid, to protect both wildland resources and the structures intermingled among such resources, and it is financially infeasible to increase firefighting resources to the level necessary to provide such protection.

g. This chapter and its requirements are necessary because the two fire districts responsible to provide firefighting services within the Town limits also have firefighting services responsibilities that extend well beyond the Town limits, into surrounding wildlands, further diluting available firefighting resources.

h. This chapter and its requirements are necessary because they represent a cost-effective alternative to increasing firefighting resources.

i. This chapter and its requirements will ensure that all new development within the Town will provide a basic level of fire protection around itself, making it easier and safer for firefighters to fight wildland and structure fires.

j. This chapter and its requirements will not totally prevent losses from wildland and structure fires, but will reduce the severity of the losses that do occur through built-in fire protection and better fire response infrastructure.

k. This chapter and its requirements will create an opportunity for firefighters to defend a structure from a threatening wildland fire and protect the wildlands from an escaping structure fire.

l. This chapter and its requirements will increase the safety of firefighters protecting lives, structures and wildland resources.

SECTION 2

That Ordinances No. 2004-179 of the Town of Windsor entitled Title VI, Windsor Fire Safety Standards Ordinance and all other ordinances or parts of ordinances in conflict herewith are hereby repealed and Title VI, Windsor Fire Safety Standards is hereby added to the Town of Windsor Code to read as follows:

Article 1
GENERAL

Section 6-1-100 Short Title: This chapter shall be known and may be cited as the Town of Windsor Fire Safety Standards Ordinance.

Article 2
Adoption of 2007 California Fire Code and Appendices

Section 6-1-200: Conflicting Regulations.

The regulations and provision contained in this chapter shall prevail over any inconsistent provision contained in the codes adopted in this article; provided, in the case of inconsistent

regulations, no regulation shall prevail which is less stringent than the regulations established by the State of California unless otherwise authorized by the state.

Section 6-1-205: California Fire Code & Adopted-Amendments.

The California Fire Code, including all appendices, being particularly the 2007 editions thereof and the whole thereof, save and except such portions of the California Fire Code as are hereafter deleted, modified or amended by this section, are adopted and incorporated as fully as if set out at length herein for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion within the Town of Windsor.

Section 6-1-210, Section 202 - Definition:
Section 202 of the California Fire Code is amended by adding the following definitions:

BUILDING OFFICIAL. Is the officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

CENTRAL ALARM STATION. Is a publicly or privately operated alarm-receiving center that is constantly attended by appropriately trained staff.

CHIEF OR CHIEF OF THE FIRE DEPARTMENT. Is the local fire chief or his or her authorized representative within the fire district of jurisdiction.

FIRE DEPARTMENT. Is the fire protection district having jurisdiction.

FIRE PROTECTION DISTRICT. Is the fire protection district of jurisdiction.

JURISDICTION. Is the Town of Windsor in the County of Sonoma in the State of California.

JURISDICTIONAL AREA. Is the Town of Windsor.

NEW BUILDING. Is any building for which a building permit is issued for the construction thereof after the effective date of this code.

SHALL IS MANDATORY & MAY IS PERMISSIVE. The use of the word "shall" in this code is not intended to, nor shall it be deemed to create a mandatory duty imposed by enactment within the meaning of Government Code section 815.6.

Section 6-1-215, Section 503.1 Fire apparatus access roads:
Section 503.1 of the California Fire Code is amended to read as follows:

503.1 - Fire apparatus access roads. Fire apparatus roads shall be provided and maintained in accordance with sections 503.1.1 through 503.1.3. When required, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both. When used, "NO PARKING" signs shall comply with the provisions of the California Vehicle Code. Where curbs exist adjacent to

hydrants located along the roadway of a fire apparatus access road, the curbs shall be painted red or otherwise appropriately marked by the owner, lessee, or other person in charge or control of the premises to prohibit parking for a distance of fifteen (15) feet in either direction as marked by signs or red curb from any such hydrant.

Section 6-1-220, Section 503.2.3 Surface:
Section 503.2.3 of the California Fire Code is amended to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. The chief may require certification of the roadway's capability to support such loads by an appropriate engineering firm.

Section 6-1-225, Section 503.7 Parking:
Section 503.7 of the California Fire Code is amended by adding 503.7 to read as follows:

503.7 Parking. Parking of vehicles on fire apparatus access roads may be prohibited when the chief determines that it is necessary to keep the roadway clear and unobstructed. In such case, the chief may require the owner, lessee, or other person in charge or control of the premises to paint the curbs red or install signs or other appropriate notice to the effect that parking is prohibited by order of the Fire Department. It shall thereafter be unlawful for such owner, lessee, or other person in charge or control to fail to install and maintain in good condition the form of notice so prescribed. When a fire apparatus access road is marked or signed as provided herein, no person shall park or leave standing any vehicle on the roadway.

Section 6-1-230, Section 903.2 Where Required
Section 903.2 of the California Fire Code is amended to read as follows:

903.2 Where Required. An automatic sprinkler system shall be installed and maintained in all newly constructed buildings.

Exceptions:

1. Detached Group U occupancies 1000 sq. ft. or less. Agricultural buildings and private riding arenas as approved by the Fire Code Official.
2. Detached pool houses up to 1000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
3. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities or connections for such facilities.
4. Detached non-combustible motor vehicle fuel dispensing canopies classified as Group M occupancy.
5. Carports of non-combustible construction.
6. B or M occupancies 500 sq. ft or less.

Section 6-1-235, Subsection 903.2.1 Additions
Subsection 903.2.1 of the California Fire Code is amended to read as follows:

903.2.1 Additions. Additions to existing commercial and residential buildings that increase in area by 1000 square feet or more, calculated by the existing gross floor area shall meet the requirements for a newly constructed building:

Section 6-1-240, Subsection 903.2.2 Alterations or Repairs
Subsection 903.2.2 of the California Fire Code is amended to read as follows:

903.2.2 Alterations or Repairs. For alterations or repairs to existing building(s) involving demolition, removal, or repair including fire damage of more than 50% of the structure, calculated by the existing gross floor area shall meet the requirements for a newly constructed building:

Exceptions:

1. One time alterations or additions made solely for the purpose of complying with the Americans with Disabilities Act.

Section 6-1-245, Subsection 903.2.3 Changes of Occupancy
Subsection 903.2.3 of the California Fire Code is amended to read as follows:

Changes of Occupancy. Any change of occupancy when the proposed new occupancy classification is more hazardous based on life and fire risk, as determined by the Fire Code Official, including the conversion of residential buildings to condominiums; the building shall meet the requirements for a newly constructed building.

Subsections 903.2.4 through 903.2.13 are deleted.

Section 6-1-250, Subsection 903.3 Installation Requirements
Subsection 903.2.3 of the California Fire Code is amended to read as follows:

903.3 Installation Requirements. Sprinkler systems shall be installed in accordance with NFPA 13, NFPA 13R if approved by the Fire Code Official and NFPA 13D.

Subsections 903.3.1 through 903.3.7 are deleted.

Section 6-1-255, Subsection 903.4 Sprinkler System Monitoring and Alarms
Subsection 903.4 of the California Fire Code is amended to read as follows:

903.4 Sprinkler System Monitoring and Alarms. Except for Group R, Division 3 Occupancies, all valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, water flow switches shall be electronically supervised. Valves when used for standpipes are excluded from this provision unless required by the Fire Code Official.

Section 6-1-260, Subsection 903.4.1 Signals
Subsection 903.4.1 of the California Fire Code is amended to read as follows:

90.4.1 Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or propriety supervising station as defined in NFPA 72, or when approved by the Fire Code Official, shall sound an audible alarm at a constantly attended location.

Section 6-1-265, Subsection 903.4.2 Alarms
Subsection 903.4.2 of the California Fire Code is amended to read as follows:

904.2 Alarms. Every new fire alarm system installed for the purpose of evacuation, including those systems activated solely by fire sprinkler systems shall be designed so that all occupants of the building shall be notified audibly and visually.

a) 903.4.2.1 Each separate Occupancy; or
b) 903.4.2.2 Each separate residential dwelling unit

Subsections 903.4.3 through 903.6.1 are deleted.

Section 6-1-270, Subsection 905.3.1 Building Height
Subsection 905.3.1 of the California Fire Code is amended to read as follows:

905.3.1 Building Height. Class I standpipes shall be installed in buildings three stories or over in height with approved outlets provided on each floor level, including the roof when roof access is provided.

Subsection 905.3.2, 905.3.3, and 905.4.6 are deleted.

Subsection 905.9 exception 2 is deleted.

Subsection 907.2.8.3 all wording after "as required by section 907.2.10." is deleted.

Section 6-1-275, Subsection 907.2.8.1 Exception 2
Subsection 907.2.8.1 Exception 2 of the California Fire Code is amended to read as follows:

Exceptions:

1. Manual fire alarm boxes are not required throughout the building when the following conditions are met.

    a. The building is equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and within each residential unit the notification devices will activate upon sprinkler water flow and at least one manual fire alarm box is installed in an approved location.

    b. Manual fire alarm boxes are not required throughout the building when the following conditions are met. The building is equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or

903.3.1.2 and within each residential unit the notification devices will activate upon sprinkler water flow.

c. At least one manual fire alarm box is installed in an approved location.

Section 6-1-280, Appendix Chapter 1, Applicability Section 102
Section 102 of the California Fire Code is amended by the addition of subsection 102.3.1 to read as follows:

102.3.1 Changes in occupancy. An automatic fire-extinguishing system shall be installed throughout all existing buildings when a change in occupancy results in a change to the group or division classification of the building and an increase in the hazard classification for the building, as defined in Table 3-A of the Building Code.

Section 6-1-285, Appendix Chapter 1, Permits Section 105
Section 105 of the California Fire Code is amended by the addition of subsection 105.6.13.1 to read as follows:

105.6.13.1 Haunted Houses. Haunted Houses, fun houses or other similar installations, whether for permanent or temporary use, shall comply with the requirements of this section and all other applicable provisions of this code to include:

a. A special event permit from the Fire Chief is required prior to the operation of any haunted house, fun house or similar operation.

b. Such occupancies shall meet the requirements for assembly occupancies in addition to the requirements of this section.

c. When the nature of the haunted house, fun house or similar installation operates in reduced lighting levels, it shall be protected throughout by an approved automatic smoke detection system. Actuation of any smoke detection system device shall sound an alarm at a constantly attended location on the premises and cause illumination in the means of egress to increase to that required by the Building Code and shall stop any conflicting sounds and visuals.

Section 6-1-290, Subsection 2703.2.4 Installation of Tanks:
Section 2703.2.4 of the California Fire Code is amended by the addition of subsection 2703.2.4.3 and 2703.2.4.3.1 to read as follows:

2703.2.4.3 Prohibited Locations. No new aboveground tanks for the storage of Class I and Class II liquids outside of buildings shall be permitted on mercantile, residential, and other congested parcels. Existing tanks on such parcels shall be removed within one (1) year after written notice from the Fire Department.

2703.2.4.3.1 Other locations. New aboveground tanks for storage of Class I and II liquids on parcels not covered under Section 7902.2.2.1.1 shall be enclosed in a flammable liquid storage vault constructed in accordance with the standards of the Fire Department. Existing tanks on such parcels shall conform to this section within one (1) year after written notice from the Fire Department.

Section 6-1-295, National Fire Codes Adopted:
The National Fire Codes, being particularly the 2000 Edition thereof, and the whole thereof, save and except NFPA 1500, Standard on Fire Department Occupational Safety and Health Program, are adopted and incorporated as fully as if set out at length herein for the purpose of providing fire safety standards within the Town.

Section 6-1-300, Administration and Enforcement of the California Fire Code
The Fire Chiefs of the fire protection districts having jurisdiction within the Town shall be responsible for the administration and enforcement of the California Fire Code and amendments thereto within their respective jurisdictions; provided that if said Fire Chief is unable or refuses to do so, the Building Official may, but is not obligated to, administer and enforce the California Fire Code and amendments thereto within the Town of Windsor.

Article 3
Enforcement and Violations

Section 6-1-305, Fees and charges: The board of directors of the fire protection district may from time to time establish a schedule of fees and charges following the procedures set forth in California law (currently Health and Safety Code section 13916) to recover the reasonable cost of providing services, issuing permits, and enforcing regulations pursuant to this chapter. Pursuant to Health and Safety Code section 13916, no such fee or charge on new construction or development shall be for construction of public improvements or facilities or the acquisition of equipment.

Section 6-1-310, Responsibility for enforcement: The Fire Chief of the fire protection district having jurisdiction shall be responsible for enforcing the provision of this Title VI; provided that if said Fire Chiefs are unable or refuse to do so, the Building Official may, but is not obligated to, administer and enforce the California Fire Code and amendments thereto within the Town of Windsor.

Section 6-1-315, Issuance of citations: The fire chief and his or her authorized representative may, pursuant to section 836.5 of the Penal Code, arrest a person without a warrant whenever they have reasonable cause to believe that the person to be arrested has committed a misdemeanor in their presence which is a violation of this chapter or any other ordinance or statute which they have a duty to enforce, and to issue a written notice to appear and to release such person on his or her written promise to appear in court, as prescribed by Chapter 5C (commencing with section 853.6) of the Penal Code.

SECTION 3
Posting and Effective Date.

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect January 1, 2008. The Town Clerk of the Town of Windsor shall cause this Ordinance to be published or to be posted in at least three (3) public places in the Town of Windsor in accordance with Section 36933 of the Government Code of the State of California. Provided however, all building permits and related permits issued on or after January 1, 2008, shall be subject to the terms and conditions of this ordinance. Council authorizes the posting of the full text of the ordinance and publication of a summary of the ordinance pursuant to Government Code Section 36933 (c).

PASSED, APPROVED, AND ADOPTED this 17th day of October, 2007 by the following vote:

AYES: **COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SALMON AND MAYOR PARKER**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **NONE**

WARIN J. PARKER, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK