

ORDINANCE NO. 5-08 N.S.

AN ORDINANCE OF THE CITY OF RICHMOND AMENDING CHAPTER 8.16 OF THE MUNICIPAL CODE OF THE CITY OF RICHMOND WHICH ESTABLISHES THE FIRE PREVENTION CODE FOR THE CITY OF RICHMOND AND ADOPTS THE 2007 CALIFORNIA FIRE CODE.

The Council of the City of Richmond do ordain as follows:

SECTION I. AMENDMENT OF CHAPTER 8.16.

Chapter 8.16 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

Chapter 8.16

FIRE PREVENTION CODE

Sections:

8.16.010	Adoption of the California Fire Code.
8.16.020	Establishment and duties of bureau of fire prevention.
8.16.030	Definitions.
8.16.035	Findings and Conclusion.
8.16.040	Amendments to the California Fire Code.
8.16.050	New materials, processes or occupancies which may require permits.
8.16.060	Fire hazards and nuisances - Abatement.
8.16.070	Smoke detectors.
8.16.080	Very High Fire Hazard Severity Zones
8.16.090	False Fire Alarms
8.16.010	Adoption of the 2007 California Fire Code

The California Fire Code, 2007 Edition, hereinafter referred to as the "California Fire Code" or the "Code", is hereby adopted by this reference subject to the changes, additions, and deletions (amendments) set forth in this ordinance. The California Fire Code referred to in this ordinance includes Appendix Chapters: 1, 4, B, C, D, E, F & G which have been have been compiled, recommended and published by the International Code Council. Three copies of the 2007 California Fire Code are on file in the Office of the City Clerk for use and examination by the public.

8.16.020 Establishment and duties of the bureau of fire prevention.

(a) The California Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Richmond, hereinafter referred to as the "Richmond Fire Department", which is hereby established and which shall be operated under the supervision of the Chief of the Richmond Fire Department, hereinafter referred to as the "Fire Chief".

(b) The Fire Marshal in charge of the bureau of fire prevention shall be assigned by the Fire Chief.

(c) The Chief of the Fire Department shall recommend to the City Council the employment of technical staff members, who, when such authorization is made, shall be selected on the basis of examination to determine their qualifications for the position.

(d) The Fire Chief may designate and direct members of the suppression forces toward the enforcement of the California Fire Code.

8.16.030 Definitions.

(a) Wherever the word “**jurisdiction**” is used in the California Fire Code, it means the City of Richmond.

(b) Wherever the term “**corporation counsel**” is used in the Uniform Fire Code, it means the City Attorney for the City of Richmond.

(c) Wherever the words “fire code official of the **bureau of fire prevention**” are used they mean Fire Marshal.

(d) Wherever the words “**fire chief**” are used in the Uniform Fire Code, they mean the Fire Chief of the City of Richmond, or said Fire Chief's authorized representative. The term “**Chief**” also means Fire Chief.

8.16.035 Findings and Conclusion.

(a) Findings. Pursuant to Sections 17958.5 and 17958.7 of the State of California Health and Safety Code, the City Council of the City of Richmond finds that the following changes or modifications are needed and are reasonably necessary because of certain local climatic, geological and topographic conditions.

(b) Local Conditions. The following local conditions make necessary the changes or modifications in the Uniform Fire Code and the State Building Standards Code in order to provide a reasonable degree of fire and life safety in the City.

(1) Climatic.

(a) Precipitation and Relative Humidity.

Precipitation ranges from 15 to 24 inches per year with an average of 15 inches per year. Ninety percent falls during the months of October through March and 10 percent from April through September.

Typically, 0.8 percent of rainfall occurs during the fire season. This is a dry period of at least six months. Additionally, the area is subject to recurrent drought. The Climatic region is currently in a drought phase that has lasted eight years. A previous drought began in 1978 and lasted four years. Additional droughts can be expected locally in the future.

Relative humidity remains in the middle range most of the time. It ranges from 45 to 65 percent during spring, summer and fall; and

from 60 to 90 percent in the winter. The coastal fog that occasionally occurs can raise summer humidity, particularly at night. Summer humidity can fall as low as 12 percent.

(b) Temperature.

Temperatures have been recorded as high as 106⁰ F. Average summer highs are in the 90⁰ range.

(c) Winds.

Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 miles per hour (MPH) to 23 MPH range, gusting from 25 to 35 MPH. Forty (40) MPH winds are experienced occasionally and winds up to 55 MPH have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days, creating extremely dry conditions.

(d) Impact.

The above-referenced local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity, and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and single roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another commonly found in the City of Richmond. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. Hot, dry winds that can be experienced any time of the year can force a fire to move in any direction in heavily vegetated interface areas. In building fires, winds can literally force fires back into the building and can create a blow torch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts. Winds, high temperatures, and low humidity expose the entire community to the threat of conflagration.

(2) Geological.

(a) Seismicity.

Contra Costa County is located in Seismic Risk Zone 4, which is the worst earthquake area in the United States. Buildings and other structures in Zone 4 can experience major seismic damage. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Rodgers, Mt. Diablo, and other lesser faults. The Hayward fault has been identified as a likely sight for a major earthquake event in the 7+ Richter range. Minor tremblers from seismic activity are not uncommon in the area.

(b) Impact.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities which, in turn, cause power failures while at the same time starting fires throughout the city. The occurrence of multiple fires will quickly disperse existing fire department resources, thereby reducing and/or delaying their response to any given fire. Additionally, without electrical power, elevators, smoke management systems, lighting systems, alarm systems and other electrical equipment urgently needed for building evacuation and fire control in large buildings would be inoperative, thereby resulting in loss of life and/or major fire losses in such buildings.

The above local geologic conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the City of Richmond. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public Safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires. Other variables may tend to intensify the situation, such as:

- (1) The extent of damage to the water system;
- (2) The extent of isolation due to bridge and/or freeway overpass collapse;
- (3) The extent of roadway damage and/or amount of debris blocking the roadway;
- (4) Climatical conditions (hot, dry weather with high winds);

(5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;

(6) The availability of timely mutual aid or military assistance; or

(7) The likelihood that small fires will rapidly grow to conflagration proportions.

(3) Topographic.

(d) Soils.

The area is replete with various soils which are unstable; clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic and tend to liquefy.

(b) Vegetation.

Highly combustible dry grass, weeds and brush are common in the hilly and open space areas adjacent to built-up locations six to eight months of each year. Many of these areas frequently experience wildland fires which threaten nearby buildings, particularly those with wood roofs or sidings. This condition can be found throughout the City, especially in Wildland Interface Areas.

(c) Surface Features.

The arrangement and location of natural and man made surface features, including hills, canyons, creeks, steep slopes, and historical slides, housing developments, commercial developments, fire stations, streets and roads, combine to limit feasible response routes for fire resources. Fires moving through steep terrain can move 16-30 times faster than on level ground. Erratic terrain and erratic winds can cause fires to grow in an unpredictable manner.

(d) Buildings, Landscaping and Terrain.

Many commercial and residential buildings and apartment complexes have building and landscape features and designs which preclude or greatly limit any approach or operational access to them by fire department vehicles. There are many concentrations of houses and other buildings with untreated wood shake or shingle roofs or sidings in the City which are well within 10 feet of each other. There are many such buildings to which access to all but one side is made virtually impossible due to landscaping, fences,

electrical transmission lines, slopes or other buildings.

e) Electrical Transmission Equipment.

Above-ground electrical power transmission lines suspended on poles and towers exist throughout the City. Many of the power poles are nearing the end of their useful life and would fail early in an areawide fire. Many power line poles are located adjacent to streets and roads and many of the transmission wires are suspended above dry vegetation and untreated wood shake or shingle roofs. These cables are also suspended above large areas of dry vegetation and untreated wood shake or shingle roofs.

(f) Impact.

The above listed local topographical conditions increase the magnitude, exposure, and accessibility problems associated with the fire hazards which arise within the City. Should a significant emergency event occur, such as an areawide conflagration, public safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires. Other variables may tend to intensify the situation, such as:

- 1) The extent of damage to the water system;
- (2) The extent of isolation due to bridge and/or freeway overpass collapse;
- (3) The extent of roadway damage and/or amount of debris blocking the roadways;
- (4) Climatological conditions (hot, dry weather with high winds);
- (5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- (6) The likelihood that small fires will rapidly grow to conflagration proportions.

(c) Conclusion. Local climatic, geologic and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity, and size of fires which involve buildings in this community. Further, the local climatic, geologic and topographic conditions impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is found to be reasonably necessary that the 2007 California Fire Code be changed or modified to mitigate the effects

of the risks associated with the above conditions.

8.16.040 Amendments to the California Fire Code.

Pursuant to Section 17958 of the State of California Health and Safety Code, the City Council of the City of Richmond, in adopting and amending the 2007 Edition of the California Fire Code, changes or modifies such provisions which are described in the following sections. The following changes and/or modifications to the 2007 Edition of the California Fire Code are found to be reasonably necessary to mitigate the impacts described above which are caused by the above described local climatic, geological and topographic conditions. The pertinent chapters and sections of the California Fire Code which are amended are as follows:

(a) Amendment of Appendix Chapter 1 Administration of the California Fire Code is amended as follows:

(1) Amendment of Section 102.1 Section 102.1 is amended by adding the following after the last sentence:

(a) Section 102.1 Applicability: 5) Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, boats, and mobile vehicles when said vehicles are fixed in a specific location within the boundaries of this jurisdiction.

(2) Amendment of Section 103: Section 103 is amended by adding a subsection to read as follows:

(a) Section 103.5 Fire Prevention Personnel as Peace Officers The Fire Chief and said Chief's designees shall have the powers of peace officers while engaging in the performance of their duties with respect to the prevention, investigation and suppression of fires and the protection and prevention of life and property against the hazards of fire and conflagration.

The Fire Chief, or his duly authorized agents, may issue citations for violations of this ordinance in the same manner as a county or city is authorized to do so by Chapter 5C (commencing with Section 853.5), Title 3, Part 2, of the California Penal Code.

(3) Amendment of Section 104. Section 104.2 is amended by adding Subsections 104.2.1, 104.2.2 ,and adding section 104.12 and subsection 104.12.1 to read as follows:

(a) Subsection 104.2.1 Plan Review Whenever any land is to be developed or a building is to be constructed, before undertaking any construction or development, Applicants shall submit building plans and specifications to the Richmond Fire Department for said Department's retention and review for compliance with this ordinance and other applicable regulations.

- (b) Subsection 104.2.2. Development Requirements. This section shall be applicable whenever any land is developed or a building is constructed or improved which would require:
1. Provision of a water supply for fire protection;
 2. Provision of access for fire apparatus;
 3. An occupancy for the storage, handling, or use of any hazardous substance, material process or device;
 4. Occupancies for which a fire department has responsibility for enforcement of laws or ordinances for fire safety or for the preservation of property or lives; or
 5. Provisions to control the spread of fire.
- (c) Section 104.12. Fire Chief Fire Prevention Scope The Fire Chief may order, in writing, the correction, elimination or abatement of any fire or life hazard or any violation of this Ordinance including the code and standards incorporated by reference herein when the correction, elimination or abatement is necessary for the prevention or suppression of fires or conflagrations or for the protection or preservation of life or property against the hazards of fire or conflagration.
- (d) Subsection 104.12.1 Penalties Every person who violates any provision of this ordinance, and any provision of the Uniform Fire Code as adopted by reference herein, is guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any violator shall be required to correct or remedy such violations or defects within a time specified by the Fire Chief or, when not otherwise specified, within ten (10) days. The application of the aforesaid misdemeanor penalty shall not be held to prevent the enforced removal of prohibited conditions.

This section is drafted pursuant to Section 13871 of the Health and Safety Code and is

not intended to create a different or separate penalty.

- (4) Amendment of Section 105.1.1 Section 105.1.1 is amended by adding subsection 105.1.1.1 and subsection 105.1.1.2 to read as follows:

- (a) **Subsection 105.1.1.1 Local Fees.** The City Council may, by resolution, establish a schedule of nondiscriminatory fees to be charged and collected, solely to defray the Richmond Fire Department's reasonable costs for plan review of fire protection equipment and systems, including, but not limited to, the plans set forth in Section 105.1.2; requested or required inspection services; and issuance of permits. Such fees shall become effective only after the City Council has reviewed such and approved the fee schedule. At least one copy of such approved fee schedule shall be filed with the City Clerk's Office. Additional copies shall be kept in the main business office of the Richmond Fire Department for reference by, and distribution to, the public.
- (b) Subsection 105.1.1.2 **Fire Suppression and Emergency Mitigation Fees** The Richmond Fire Department may charge fees that reasonably constitute the cost of suppression of any fire or emergency mitigation against a property owner or other responsible person when the fire or emergency is a result of that person's violation of any federal, state statute or local ordinance.
The Richmond Fire Department may charge fees that reasonably constitute the cost of response to incidents involving the discharge or threatened discharge of a hazardous (or suspected hazardous) material.

- (b) Amendment of Chapter 2. Chapter 2 of the California Fire Code is amended as follows:

- (1) Amendment of Section 202-A. Section 202-A is amended as follows:

Administrator shall mean the Fire Chief.

- (2) Amendment of Section 202-D. Section 202-D is amended by adding the following:

Defensible space is a concept in landscape design for homes which provides a band of managed vegetation around a home that slows movement of fire by reducing or denying fuel and provides a space for fire fighters to take a stand to protect the house.

- (3) Amendment of Section 202-F. Section 202-F is amended by adding the following definitions for "firebreak", "fire hazardous vegetation", and "fire resistant plants" and by amending the definition for "fuel break" to read as follows:

Firebreak is an area in which all flammable vegetation or combustible growth is removed and cleared away, thereby eliminating fire hazardous vegetation fuels which can rapidly transmit fire. Ornamental landscaping is permissible within a firebreak as long as it is adequately irrigated, maintained and spaced so as not to provide a means of rapidly transmitting fire. (Compare to **fuel break**.)

Fire hazardous vegetation are plants which can burn easily because they generate dry undergrowth, contain flammable oils or produce significant quantities of dead or dying material. Hazardous vegetation is fuel which must be removed or strictly maintained so as not to constitute a fire hazard by igniting easily and then contributing to rapid fire spread. Seasonally dry grass, weeds, brush, and unmaintained and un-irrigated trees and ornamental vegetation are examples of fire hazardous vegetation. Properly chipped, mulched and disbursed material does not constitute fire hazardous vegetation. Fire hazardous vegetation is also known as **flammable vegetation and combustible growth**.

Fire resistant plants is a relative term used to describe plants that are more resistant or less resistant than other plants to fire. Given enough heat, all vegetation will burn. Yet plants in fact differ in how fast they burn, how high a flame they produce and their ability to survive fire. Fire resistance is enhanced by higher amounts of moisture within twigs and foliage. Fire-resistant plants can lose this quality altogether if not properly maintained and irrigated.

Fuel break: An area in which all flammable vegetation or combustible growth is reduced and cleared away according to established standards, thereby limiting the mass and arrangement of fire hazardous vegetation fuels which can rapidly transmit fire. Appropriate ornamental landscaping is permissible within a fuel break. Fuel reduction standards for fuel breaks limit the height of certain vegetation (brush, native shrubs, weeds and grasses), remove from trees any fuels which can ladder into the canopies, and provide adequate spacing between remaining plants.

- (4) Amendment of Section 202-O. Section 202-O is amended by adding the following:

Ornamental landscaping: Decorative plants growing within a tended garden or yard which are appropriately irrigated, maintained and located to

provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control. The use of fire-resistant plants and the removal of fire hazardous vegetation will enhance fire safety.

- (5) Amendment of Section 202-P. Section 202-P is amended by adding the following:

Protected aboveground tank: A listed tank system consisting of a primary tank provided with protection from physical damage, and fire-resistive protection from a high-intensity liquid pool fire exposure. The tank system is allowed to provide these protection elements as a unit or is allowed to be an assembly of components, or a combination thereof.

- (6) Amendment of Section 202-V. Section 202-V is amended by adding the following:

Very High Fire Hazard Severity Zones (VHFHSZ):

Any geographic area designated pursuant to California Government Code Section 51178 to contain the type and condition of vegetation, topography, weather and structure density to potentially increase the possibility of wildland conflagration fires. As a community adjacent to extensive wildland areas, the City of Richmond contains several VHFHS zones. A map of these zones is available from the Richmond Fire Department. Fire hazard reduction standards are more extensive for properties located within VHFHS zones.

- c) Amendment of Chapter 5. Chapter 5 of the California Fire Code is amended as follows:

- (1) Section 503 is amended by adding Subsection 503.1.2.1 to read as follows:

Subsection 503.1.2.1. Access to Very High Fire Hazard Severity Zones and Open Space

a) It shall be unlawful to block access to any of the fire access roads into open space which are identified on lists or maps contained in the document entitled "Exhibit B - Access Roads in Very High Fire Hazard Severity Zones," copies of which shall be maintained at the City Clerk's Office and at the Richmond Public Library. Any obstruction of an access road identified on said map shall be deemed to be a nuisance and shall be subject to abatement as set forth in Section 8.16.060 (c) of the Municipal Code of the City of Richmond.

b) When access to open land/space or a fire trail system maintained for public or private use is obstructed by new development, the developer shall provide alternate access, approved by the Fire

Department, for fire personnel and equipment. Any obstruction of access to open land/space or a fire trail system maintained for public or private use shall be deemed to be a nuisance and shall be subject to abatement as set forth in Section 8.16.060 (c) of the Municipal Code of the City of Richmond.

(d) Amendment of Chapter 9. Chapter 9 of the California Fire Code is amended as follows:

- 1) Section 902.1 definitions is amended by adding 902.1-U to read as follows:
 - a) **Section 902.1-U. Undetermined Occupancy.** When fire sprinkler systems are required in buildings of undetermined occupancy, they shall be designed and installed to have a sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with a minimum design area of 3,000 square feet. Occupancy is considered undetermined if not classified at the time the permit is issued. Where a subsequent occupancy requires a system of greater density, the system shall be upgraded to such use.
- 2) Amendment of Section 903.2 Section 903.2 is amended to read as follows:
 - a) **Section 903.2 Where required.** An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in Section 903.2. In addition, an automatic fire-extinguishing system shall be required in all occupancies 5,000 square feet or greater. The floor areas of multiple floors will be cumulative.
 - b) Subsection 903.2.10.3 is amended to read as follows:

Subsection 903.2.10.3. An automatic fire extinguishing system shall be installed in all occupancies regardless of type of construction, floor area, or occupancy load if the building is three stories or more than 35 feet in height measured in accordance with the California Building Code, Chapter 5.

Exception: One or Two Family Dwellings, unless otherwise required by other sections of this code or ordinance.
 - c) Section 903.2 is amended by adding subsections 903.2.18.1 through 903.2.18.6 to read as follows:
 1. Section 903.2.18.1 Mitigation. An automatic fire extinguishing system installed in accordance to Section 903.3, shall be provided throughout all new

buildings located within the Very High Fire Hazard Severity Zones(VHFHSZ) as identified in RMC Section 8.16.080.

2. Section 903.2.18.2 Fire Department Delivery Capability. An automatic fire sprinkler shall be installed in all new buildings and occupancies or in existing buildings or structures that change occupancy classification or use, when the required fire flow exceeds 2,000 gallons per minute or the total floor area exceeds 5,000 square feet.
3. Section 903.2.18.3 Response Times. An automatic fire sprinkler system shall be installed in all new buildings or occupancies which exceed a maximum running time of three minutes or a maximum response time of 5 minutes from the first due station. Times shall be measured by the most direct route on surface streets.
4. Section 903.2.18.4. For the purpose of this section, buildings separated by area separation walls as set forth in Section 705.1.2 of the California Building Code shall not be considered to create separate buildings.

3) Amendment of Section 905.3.1. Section 905.3.1 is amended by adding after the last sentence in the first paragraph:

(a) Section 905.3.1. Any building three stories in height shall have a Class I standpipe installed that is interconnected with the fire sprinkler system.

e) Amendment of Chapter 10. Chapter 10 of the California Fire Code is amended as follows:

- 1) Amendment 1024.6 is amended by adding a new subsection 1024.6.1 to read:

Subsection 1024.6.1 Exit discharge surface. Exterior exit pathway surfaces including permeable materials, shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

- 2) Amendment of Section 1028.6. Section 1028.6 is amended by adding subsection 1028.6 (a).

Subsection 1028.6 (a) Application. The regulations herein referenced shall also apply to

any Group R occupancy in existence prior to July 1, 1997.

f) Amendment of Chapter 22. Chapter 22 of The California Fire Code is amended as follows:

1) Section 2206.2.4.2 is amended to read as follows:

Section 2206.2.4.2 Fleet vehicle motor fuel-dispensing facilities. Aboveground Tanks.

Class I and II and IIIA liquids may be dispensed from approved protected aboveground tanks into the fuel tanks of motor vehicles, watercraft or aircraft when installed and maintained as required by the Fire Chief and in accordance with Richmond Municipal Code Section 8.16.040.

1. **Location.** Upon approval of the Fire Chief, protected aboveground tanks may be located at farms, construction sites, gravel pits, industrial occupancies, corporation yards, other remote locations or in areas where the approved installation of underground tanks is not feasible due to soil conditions, flood plain areas, high water table or environmentally sensitive areas.

2. **Capacity.** Vaulted tanks shall not exceed 2,000 gallon capacity unless approved by the Fire Chief.

3. **Removal.** The Fire Chief shall have the sole discretion to prohibit use of vaulted tanks based on the safety of the public. Removal of vaulted tanks may be required at any time for violation of these requirements, any associated permit requirements or a change in conditions.

(g) Amendment of Chapter 27. Chapter 27 of the California Fire Code is amended as follows:

(1) Amendment of Section 2701.1.1. Section 2701.1.1 is amended by adding subsection 2701.1.2 to read as follows:

(a) Subsection 2701.1.2. The design, installation, and operation of Research and Development Laboratory systems including reaction setups and pilot plants are exempt from the design and installation requirements for equipment provided that the Laboratory is constructed and managed in accordance with nationally recognized standards including but not limited to:

(1) Is under the supervision of a

technically competent individual approved by the fire code official;

(2) Adheres to prudent or good laboratory practices; and

(3) Uses volumes of chemicals that are usually associated with Research and Development operations.

(2) Amendment of Section 2701.5 Section 2701.5 is amended as follows:

Section 2701.5 Permits. No person, firm or corporation shall store, dispense, use or handle hazardous material in excess of quantities specified in Appendix Chapter 1, Section 105, unless and until a valid permit has been issued pursuant to this article.

Installation, maintenance, abandonment, placing temporary out-of-service or substantially modifying or modernizing a regulated facility shall be in conformance with the requirements of the original permit and the requirements of this chapter. The fire code official may require technical assistance pursuant to section 104.7.2, to ensure compliance with this chapter and to identify any alteration, modification, or change which may effect public health or safety or significantly affect firefighting operations.

Permittee shall apply for approval to close any storage, use or handling facility at least 30 days prior to the termination of the storage, use or handling of hazardous materials. Such application shall include any change or alteration of the facility closure plan file pursuant to this section of this chapter. This 30-day period may be waived by the fire code official if there are special circumstances requiring such waiver.

(h) Amendment of Chapter 34. Chapter 34 is amended as follows:

1) Section 3404.2.13.1.3 is amended to read:

Section 3404.2.13.1.3. Out of service for One year. Underground tanks that have been out of service for a period of one year shall be removed from the ground in accordance with Section 3402.14 or as required by the Fire Code Official.

(i) Amendment of Chapter 38. Chapter 38 is amended as follows:

(1) Section 3803.2.1.7 is amended in its entirety to read:

Section 3803.2.1.7 Use for food preparation Individual portable containers used, stored, or handled inside of

buildings used for assembly or business for the purposes of cooking, display, or similar use shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the Fire Chief or said Fire Chief's authorized representative.

- (2) Section 3804.3 is amended by adding after the last sentence:

Section 3804.3. LP-gas shall not be stored or used inside of any occupancy, tent or air-supported structure unless approved by the Fire Code Official.

8.16.050 New materials, processes or occupancies which may require permits.

The Bureau of Fire Prevention shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in this Code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

8.16.060 Fire hazards and nuisances -- Abatement.

(a) All violations of this chapter are fire hazards and public nuisances and shall be abated.

(b) General Abatement.

(1) When a fire hazard and nuisance as generally described in Sections 8.16.010 through 8.16.050 above; as described in Sections 8.16.070 and 8.16.090 below; or as describe in Sections 103.4.4 and 103.4.3.1 of the California Fire Code exists, it shall be the duty of the Fire Marshal to notify in writing the owner or occupant of such premises to abolish and abate such nuisance and, if necessary, remove said matter, provided, that such notification shall not be required in a situation which, in the Fire Marshal's judgment, constitutes an emergency requiring immediate abatement of such nuisance. In such an emergency situation, the Fire Marshal may order the owner or occupant, orally or in writing to abate the nuisance immediately or may proceed to cause the nuisance to be abated without any such notice if, in the Fire Marshal's judgment, the situation warrants such action in the interest of the public health, safety or welfare.

(2) The required notice shall provide a specified time in which such nuisance must be abated or removed.

(3) Before complying with the requirements of the required notice, the owner may request a hearing before the Fire Marshal at a time and place fixed by the Fire Marshal. The hearing request must be made in writing and must be made within the time limit specified in the required notice.

(4) The Fire Marshal shall

- (a) conduct the hearing;
- (b) re-determine whether or not a nuisance as described in subsection (a) hereof exists and whether or not the owner or occupant shall abate the nuisance; and
- (c) specify the time within which the work shall be completed.

(5) In the event the nuisance is not abated within the time specified in the original required notice and/or the time specified at the hearing, the City may abate such a nuisance.

(6) The person whose duty it was to abate or abolish a nuisance as ordered by the Fire Marshal pursuant to this chapter, in addition to incurring penalties as provided in these regulations, shall become indebted to the City of Richmond for the damages; costs and charges incurred by the City by reason of the existence of said nuisance or removal of said matter. This cost may become a lien upon the property upon which the nuisance existed.

(c) Those properties which are deemed public nuisances because of the presence of weeds (as weeds are defined in Chapter 9.50 of this Municipal Code), dry grass, stubble, brush, rubbish, litter or other combustible or flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous shall be subject to the abatement procedures set forth in Sections 9.22.100, 9.22.110 and 9.22.120 of this Municipal Code.

(d) Firebreaks. In lieu of ordering the abatement of fire hazards as provided in this Section, the Fire Chief may order the preparation of firebreaks around parcels of property when combustible weeds, crops, or brush are present. In determining the proper width for firebreaks, the Fire Chief shall consider the height of the growth, weather conditions, topography, and the accessibility to the property of fire protection equipment. The procedure set forth in subsection (b) above shall also apply to the preparation of firebreaks.

(e) Alternate Procedures. The procedures provided for by this Section are an alternative to any other procedure adopted by the City Council for the abatement of public nuisances, or any procedure which may be authorized by the laws of the State of California.

8.16.070 Smoke detectors.

(a) Requirements.

- (1) Every dwelling unit in an apartment house, motel, hotel, or lodging house shall be provided with smoke detectors.
- (2) Every dwelling unit in a single family dwelling, duplex, or residential occupancy not listed in subsection (1) above shall be provided with smoke detectors. Each smoke detector provided or installed pursuant to this section shall conform to the requirements of the 2007 Uniform Building Code. Each smoke detector shall also be maintained as set forth herein.

(b) Fixtures. Every smoke detector required under this section shall be deemed to be a fixture for purposes of transfer of title.

(c) Maintenance.

- (1) Every smoke detector required under this Section shall be maintained in operable condition.
- (2) Nothing in this section shall preclude a rental or lease agreement from providing that a tenant has the responsibility for repair or maintenance of the smoke detector(s). However, such provision notwithstanding, the owner shall be responsible for ensuring compliance with this section.

(d) Holder of Certificate of Occupancy. Where the holder of a Certificate of occupancy, as provided in Chapter 6.02 of the Richmond Municipal Code and Section 15.04.210 of this Municipal Code, is some person other than the owner of the real property, such person shall be deemed to be an owner for purposes of this section.

(e) Notice. Every property owner or owner's authorized agent offering to rent, lease or let residential property shall give notice of the requirements of this Section to the tenant prior to occupancy. The giving of such notice shall not relieve the property owner from compliance with the requirements of this Section.

(f) Liability. Nothing in the provisions of this Section shall be construed to require the City, its officers, employees or representatives to conduct any inspection of the smoke detectors herein required nor shall any actual inspections made imply a duty to inspect other detectors. Furthermore, this section shall not be construed to hold the City or any officer, employee or representative of the City responsible for any damage to persons or property by reason of making or not making inspection or by reason of any failure to make an inspection or reinspection.

(g) Penalty. Any person who violates any provision of this section shall be guilty of a misdemeanor.

8.16.080 Very High Fire Hazard Severity Zones

(a) Very High Fire Hazard Severity Zone Regulations

- (1) Purpose. The purpose of the very high fire hazard severity zone ("VHFHSZ") regulations is to minimize danger to public health and safety caused by building in an area with a high risk of grass and brush fire.
- (2) Applicability. The VHFHSZ regulations apply to any area of the city which is designated as a very high fire hazard severity zone. For purposes of this subsection, VHFHSZ shall be those shown on that certain map entitled *Exhibit A - Very High Fire Hazard Severity Zones* and dated June 1995 which has been prepared by, and is on file in the office of, the Fire Chief. Exhibit A also constitutes the official designation of the hazardous fire areas within the City of Richmond as defined and required by Section 209 of the Uniform Fire Code.
- (3) Regulations. Within the very high fire hazard severity zones established by this Section, all new roads, new buildings, other

new structural improvements and existing structures shall be subject to the following regulations:

(a) All buildings shall be designed and sited so that the roof and other areas may be kept free of leaves, needles and other dead vegetative growth.

(b) All new buildings shall have a Class B roofing that complies with Standard 32-7 of the Uniform Building Code, as adopted in the California Building Standards Code. Every existing building, when 50 percent or more of the total roof area is re-roofed within any one year period, shall have a fire retardant roof covering that is at least Class B as defined in the Uniform Building Code as adopted and amended by the State Building Standards Commission. The installer of the roof covering shall provide certification of the roof covering classification to the building owner and, when requested, to the City Building Official.

(c) Wood shingles or wood shakes shall not be used for exterior wall covering.

(d) All buildings shall have the underside of balconies, unenclosed roofs and floors, and other similar horizontal surfaces protected by at least one-hour fire-resistive construction as required by the Fire Chief. Combustible eaves shall be protected as approved by the Fire Chief.

(e) Unprotected vertical or horizontal wood supports for stilt type or cantilevered buildings shall be of not less than five and one-half inches in the least dimension.

(f) All openings into the interior of a building for ventilation purposes shall be protected by non-corrosive metallic screening having a mesh no larger than one-quarter inch.

(g) Access openings to under-floor areas shall be protected by either non-corrosive metallic screening having a mesh no larger than one-quarter inch or by a three-quarter inch solid wood door or equivalent.

(h) When difficulty of access or topography occurs, or structures do not meet fire flow requirements, or the fire department response time is six minutes or more, the Fire Chief may require other fire mitigation measures as for all occupancies.

(b) Vegetation management standards in very high fire hazard severity zones

Any person who owns, leases, controls, operates, or maintains any property in a very high fire hazard severity zone shall maintain such property in conformance with the vegetation maintenance standards established by the City Council by Resolution 192-95, or said resolution's successor. Copies of Resolution 192-95 and any successor resolution shall be maintained by and be available in the City Clerk's Office.

(c) Violations and penalties

- (1) A violation of this section shall constitute an infraction punishable by a fine of not less than two hundred fifty dollars for the first violation.
- (2) Convictions of a second violation of this section within five years shall constitute an infraction and shall be punishable by a fine of not less than five hundred dollars.
- (3) Conviction of a third violation of this section within five years shall constitute a misdemeanor punishable by a fine of not less than five hundred dollars.

(d) Public nuisance

Any violation of this section shall constitute a public nuisance which may be abated, and abatement costs shall be recovered in the manner provided in Sections 9.22.100, 9.22.110, and 9.22.120 of this Municipal Code.

(e) Firebreaks

In lieu of ordering the abatement of fire hazards as provided in this Section, the Fire Chief may order the preparation of firebreaks around parcels of property when combustible weeds, crops, or brush are present. In determining the proper width for firebreaks, the Fire Chief shall consider the height of the growth, weather conditions, topography, and the accessibility to the property of fire protection equipment. The procedure set forth in subsection (d) above shall also apply to the preparation of firebreaks.

(f) Alternate Procedures

The procedures provided for by this Section are an alternative to any other procedure adopted by the City Council for the abatement of public nuisances, or any procedure which may be authorized by the laws of the State of California.

Section 8.16.090 False Fire Alarms.

1. Purpose

The purpose of this section is to promote the responsible use of fire alarm systems, to set forth additional standards to improve the reliability of these systems, and to establish procedures for assessing fee penalties for excessive false fire alarm responses in violation of this ordinance

2. Findings

The council finds and determines that fire alarm systems that are not properly installed, maintained and/or operated create a nuisance to the peace and safety of the community. Such alarm systems cause excessive and unnecessary use of fire services in responding to assumed emergencies which results in a significant expenditure and increased costs to the public.

3. Definitions

Alarm business is defined any business which is engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system in or on any building, place or premises.

Alarm user is defined as any person using an alarm system at such

person's residence or place of business.

Audible alarm system is defined as an alarm system which when activated generates sound perceptible from the exterior of the building structure or facility in which the alarm system is located. Audible alarm systems may or may not be monitored by a central alarm system.

Central Station is defined as a supervising station that is listed for central station service.

Central Station Service is defined as the use of a system or a group of systems in which the operations of circuits and devices at a protected property are signaled to, recorded in, and supervised from a listed central station having competent and experienced operators who, upon receipt of a signal, take appropriate action as required. Central station service is controlled and operated by a person, firm, or corporation whose business is the furnishing of such contracted services or whose properties are the protected premises.

Central Station Fire Alarm System is defined as a system or group of systems in which the operations of circuits and devices are transmitted automatically to, recorded in, maintained by, and supervised from a listed central station having competent and experienced servers and operators who, upon receipt of a signal, take such action as required by NFPA 72.

Certificate of Completion is defined as a document that acknowledges the features of installation, operation (performance), service, and equipment with representation by the property owner, system installer, system supplier, service organization, and the authority having jurisdiction.

Certification is defined as a systematic program using randomly selected follow-up inspections of the certified systems installed under the UL Fire Alarm Certificate Program, which allows the listing organization (Underwriters Laboratories) to verify that a fire alarm system complies with all of the requirements of NFPA 72. A system installed under such a program is identified by the issuance of a UL certificate and is designated as a UL certified system.

Emergency is defined as an occasion that reasonably calls for a response by the fire department. A response due to failure of the alarm system, personnel error in transmission or reporting of an alarm, or repair or maintenance of an alarm system is not an emergency.

False Alarm is defined as the activation of an alarm system necessitating a response by the Richmond Fire Department where an emergency does not exist; provided however, that activation of alarms by natural disaster will not be considered false alarms.

Fire Alarm System is defined as a system or a portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal initiating devices and to initiate the appropriate response to those signals.

Fire Chief, wherever the words "Fire Chief" are used in this section, they mean Fire Chief of the City of Richmond, or said Fire Chief's authorized representative. The term "Chief" also means Fire Chief.

Local alarm system is defined as an alarm system which is annunciated only on the premises and not intended to cause a request for emergency

response.

Monitored is defined as an alarm system that is both designed to communicate with a UL central alarm station protection system and is currently being provided with that service.

Nuisance Alarm System is defined as an alarm system that has been declared, pursuant to this section, a public nuisance due to excessive false alarms.

Subscriber is defined as a person who has contracted with an alarm business for the monitoring services for a central alarm station protection system.

City is defined as the City of Richmond

4. Fire Alarm Standards

(A) All fire alarm systems and appurtenant equipment installed or used within the city of Richmond shall meet or exceed industry standards and those standards established under the Richmond Fire Prevention Code.

(B) Certification Required: All fire alarm system installations shall have UL certification and a UL certificate of completion issued indicating that the system meets the standards of the laboratory and that it was installed in accordance with the approved plans and specifications. The certificate shall be requested and obtained by a company that is on a list of UL approved vendors maintained by the Fire Department. The property owner shall continue the UL certificate at all times.

5. Testing Fire Alarms

Persons shall notify the Richmond Fire Department through the Fire Dispatch Communications Center prior to any service, test, repair, maintenance, adjustment, alterations, or installations of automatic fire sprinkler or fire alarm, which might normally result in an emergency response. Any alarm activated where such prior notice has been given shall not constitute a false alarm for the purpose of this section.

6. False Fire Alarms

(a) Multiple Occurrences Unrelated to Testing. The maximum number of allowable false alarms shall be no more than one (1) in a six month period from January 1st through June 30th and no more than one (1) in the six-month period from July 1st through December 31st, before an alarm subscriber/owner is assessed false alarm service assessment fees in accordance with Section 7.

(b) Occurrences Related to Improperly Noticed Testing. Persons or businesses engaged in servicing, testing, repairing, maintaining, adjusting, altering or installing and automatic fire sprinkler system or fire alarm system shall be subject to such assessment as may be established by ordinance for false alarms on any occurrence of a false alarm resulting from the failure to provide notice of testing as required by section 5 above.

7. False Fire Alarm Fees

(1) First false alarm in the six-month period from January 1st through June 30th and first false alarm in the six-month period from July 1st through December 31st: **No Fee.**

(2) Second false alarm in the six-month period from January 1st through June 30th and second false alarm in the six-month period from July 1st through December 31st : **\$300 per incident.**

8. Nuisance Fire Alarm Systems

(a) An alarm system may be declared a nuisance alarm system by the Fire Chief under any one of the following:

(1) More than five (5) false alarms not exempt under section 9 were generated and not canceled in a false alarm period (six months).

(b) The Fire Chief shall notify the alarm user, in the same manner as for the imposition of false alarm fees, of the determination that the alarm system is a nuisance alarm system.

(c) Nuisance fire alarm systems shall be referred to Underwriters Laboratory Inc. (UL) or representing alarm business for a re-qualification audit or be retroactively placed in a UL Fire Alarm Certification program as required by the Fire Chief.

(d) The determination that an alarm system is a nuisance may be revoked by the Fire Chief upon finding proof that the cause of the excessive false alarm or audible disturbance has been remedied.

9. Exempt From False Alarm Fees

False alarms reported to the Richmond Fire Department shall not be counted for the imposition of false alarm fees under the following conditions:

(a) The Fire Chief has granted an exemption, based upon verifiable proof that the alarm user is taking all reasonable measures to eliminate the cause of false alarms. A request for exemption must be made in writing and will be determined on a case-by case-basis.

(b) False alarms reported to the Richmond Fire Department, but subsequently canceled prior to department units starting actual response. If at the discretion of the department, a response is continued after a valid cancellation is received prior to commencement of a response, the response will not be counted as a false alarm for the purpose of imposing a false alarm fee.

10. Procedure For Imposition Of False Alarm Fees

(a) Notice of Imposition. The Fire Chief shall deliver to the alarm user at the address where the false alarms originate a notice of the imposition of false alarm fees. The notice shall specify the date, time and nature of the events which are the basis for the imposition of false alarm fees. The notice shall state that the alarm user has the right to request a hearing before a Hearing Officer as established pursuant to Administrative Citations, Section 2.62 of the Richmond Municipal Code by submitting a written request to the Fire Chief within 14 days of notification. The appeal must be in writing and set forth the basis of the appeal.

(b) Collection of fees. Collection of fees shall be as described in 2.62.120 or 9.22.110, including a lien against the real property on which the false alarm occurred. In the event of the failure of any person to pay the fees assessed pursuant to the provisions of this section, the city of Richmond may institute an action in any court of competent jurisdiction to collect any charges, together with interest, which may be due and payable and all administrative costs of collection in the same manner as any other debt owing to the city may be collected.

SECTION II. SEVERABILITY CLAUSE

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

SECTION III. EFFECTIVE DATE

This Ordinance becomes effective thirty days after its final passage and adoption.

First read at a regular meeting of the Council of the City of Richmond, California, held February 19, 2008 and finally passed and adopted at a regular meeting thereof held March 4, 2008, by the following vote:

- AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin
- NOES: None
- ABSTENTIONS: None
- ABSENT: None

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

LOUISE RENNE, Interim
City Attorney

State of California	}
County of Contra Costa	: ss.
City of Richmond	}

I certify that the foregoing is a true copy of Ordinance No. 5-08 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on March 4, 2008, and published in accordance with law.