

COUNTY OF PLACER
Community Development Resource Agency

Michael Johnson, Agency Director

BUILDING

Tim Wegner
Chief Building Official

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael Johnson, Agency Director
Community Development/Resource Agency

Tim Wegner, Chief Building Official
Building Service Division

DATE: January 25, 2011

SUBJECT: Resolution ratifying the Fire Prevention Code of the Truckee Fire Protection District

ACTION REQUESTED:

The Community Development/Resource Agency, Building Services Division, respectfully requests that your Board adopt a resolution ratifying Truckee Fire Protection District Ordinance 01-2010 (which adopts the California Fire Code) and Resolution 18-2010 (which adopts findings for local amendments) and direct staff to transmit your determination to the District.

BACKGROUND:

The California Fire Code establishes minimum standards for protection of life and property from fire, explosion, and hazardous materials release. Fire districts are authorized by State law to enact stricter standards than those in state or local codes. In order to do so the district's legislative body must adopt its own ordinance adopting the California Fire Code with amendments. A resolution must also be adopted which details the findings of fact and need for changes or modifications because of local conditions. No such ordinance of a local fire district becomes effective unless or until it is ratified by the legislative body of the city or county where the ordinance will apply. Health and Safety Code section 13869.7(c) outlines the procedure that the fire district must follow to gain ratification. Specifically, section 13869.7 requires the fire protection district to transmit the adopted ordinance and resolution of findings to the county or city where the ordinance will apply after which the legislative body of that county or city may ratify, modify or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination.

The Truckee Fire Protection District ("TFPD") is located within the boundaries of Placer County. On October 19, 2010, the TFPD's Board of Directors passed Resolution No. 18-2010 expressing its intent to amend the State Fire Code and setting forth its findings to support the amendments

because of local conditions. On December 21, 2010, the TFPD's Board adopted Ordinance No. 01-2010 adopting the 2010 California Fire Code with amendments. Both were transmitted to the County and have been reviewed and approved as written by the Placer County Building Service Division.

Based on the Building Service Division's review of TFPD's Ordinance No. 01-2010 and Resolution No. 18-2010, staff recommends that your Board ratify the same by adopting the attached resolution. Staff also requests that your Board direct staff to transmit a copy of the resolution to TFPD.

FISCAL IMPACT:

There is no fiscal impact to the County with this matter. The TFPD Fire Prevention Code is enforced by the Truckee Fire Protection District and any appeals will go to the District's Board for resolution and enforcement.

ATTACHMENTS:

- Attachment 1: Resolution Ratifying the Truckee Fire Protection District's Adoption of the 2010 California Fire Code
- Exhibit A: Ordinance 01-2010: An Ordinance of the Truckee Fire Protection District adopting the Fire Prevention Code
- Exhibit B: Resolution 18-2010 adopting findings of facts for local amendments, dated October 19, 2010

- cc: Michael Johnson, CDRA Director
Paul Thompson- Deputy Planning Director
Loren Clark -- Assistant CDRA Director
Scott Finley - County Counsel
Karin Schwab - County Counsel
Wes Zicker, Engineering and Surveying Director
Jill Pahl - Environmental Health Services
Bob Eicholtz - Emergency Services
Air Pollution Control District

**Before the Placer County
Board of Supervisors
County of Placer, State of California**

In the matter of:

Ratification of the Truckee
Fire Protection District's
Adoption of the 2010
California Fire Code.

Resol. No:.....

The following Resolution was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held _____,
by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chair, Board of Supervisors

WHEREAS, California Health and Safety Code section 13869.7 allows a fire protection district to adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code; and

WHEREAS, a fire protection district that proposes to adopt such an ordinance must also adopt findings of fact and need for changes or modifications because of local conditions in compliance with Health and Safety Code section 18941.5; and

WHEREAS, Health and Safety Code section 13869.7(c) requires the fire protection district to transmit the adopted ordinance and resolution of findings to the county or city where the ordinance will apply; and

WHEREAS, Health and Safety Code section 13869.7(c) authorizes the legislative body of that county or city to ratify, modify or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination; and

WHEREAS, no ordinance adopted by a fire protection district under Health and Safety Code section 13869.7 shall be effective unless or until it is ratified by the legislative body of the city or county where the ordinance will apply; and

WHEREAS, the Truckee Fire Protection District is located within the boundaries of Placer County; and

WHEREAS, on December 21, 2010, the Truckee Fire Protection District's Board of Directors passed Ordinance No. 01-2010 adopting the 2010 California Fire Code with amendments, attached hereto as Exhibit A; and

WHEREAS, on October 19, 2010, the Truckee Fire Protection District's Board of Directors passed Resolution No. 18-2010 setting forth its findings to support the amendments because of local conditions, attached hereto as Exhibit B; and

WHEREAS, the Truckee Fire Protection District has transmitted a copy of both Ordinance No. 01-2010 and Resolution No. 18-2010 to the County; and

WHEREAS, this Board has considered both Ordinance No. 01-2010 and Resolution No. 18-2010 as attached hereto and wishes to ratify the same.

NOW, THEREFORE, BE IT RESOLVED by the Placer County Board of Supervisors that it hereby ratifies the Truckee Fire Protection District's Ordinance No. 01-2010, which adopts the 2010 California Fire Code, as amended based on local conditions, which are set forth in Resolution No. 18-2010.

EXHIBIT A

BEFORE THE BOARD OF DIRECTORS OF THE TRUCKEE FIRE PROTECTION DISTRICT OF NEVADA COUNTY

ORDINANCE 01-2010

An Ordinance of the Truckee Fire Protection District of Nevada County Adopting the 2010 edition of the *California Fire Code*, as amended, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Truckee Fire Protection District of Nevada County; providing for the issuance of permits and collection of fees therefore; repealing Ordinance 01-2007 of the Truckee Fire Protection District of Nevada County and all other ordinances and parts of the ordinances in conflict therewith, other than Ordinance 1-96 adopted February 2, 1997 and Resolution 1-94, adopted January 11, 1994, which shall remain in full force and effect.

The Board of Directors of the Truckee Fire Protection District of Nevada County of Nevada County does ordain as follows:

Section 1. That a certain document, three copies of which are on file in the office of the Administrative Officer of the Truckee Fire Protection District of Nevada County, being marked and designated as the *California Fire Code*, 2010 edition, including all Appendix Chapters (see *California Fire Code* Section 101.2.1, 2010 edition) *other than Appendix A*, as published by the International Code Council, be and hereby is amended and adopted as the Fire Code of the Truckee Fire Protection District of Nevada County in the State of California, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Truckee Fire Protection District of Nevada County are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this Ordinance.

Section 2. That the following sections are hereby revised:

Section 101.1. Insert: Truckee Fire Protection District of Nevada County;

Section 109.3. Insert: Misdemeanor, 1,000, and 90; and

Section 3. That the geographic limits referred to in certain sections of the 2010 *California Fire Code* are hereby established as follows:

Section 3404.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids and above ground tanks outside of buildings is prohibited): throughout all territory within the boundaries of the Truckee Fire Protection District of Nevada County, including that portion of the District in Placer County.

Exception 1: Protected above ground storage tanks installed in accordance with Section 3404.2.9.7 and Chapters 22 and 34 of the Code and approved in advance in writing by the chief or their designated representative.

Exception 2: The chief may authorize the temporary (not to exceed 120 days) use of above ground tanks installed in accordance with Chapter 22 and 34 of this Code not exceeding 660 gallons of water individual capacity for storage of Class II and III liquids, and the tank and manner of above ground storage is approved in advance in writing by the chief, or their designated representative.

Section 3406.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above ground storage tanks is prohibited): is established as follows:

Throughout all territory within the boundaries of the Truckee Fire Protection District of Nevada County, including that portion of the District in Placer County.

Exception 1: Protected above ground storage tanks installed in accordance with Section 3404.2.9.6 and Chapters 22 and 34 of the Code and approved in advance in writing by the chief or their designated representative.

Exception 2: The chief may authorize the temporary (not to exceed 120 days) use of above ground tanks installed in accordance with Chapter 22 and 34 of this Code not exceeding 660 gallons of water individual capacity for storage of Class II and III liquids, and the tank and manner of above ground storage is approved in advance in writing by the chief, or their designated representative.

Exception 3: Home heating oil may be stored in approved above ground tanks if the tank capacity does not exceed 550 water gallons and the tank and manner of above ground storage is approved in advance in writing by the chief, or their designated representative.

Section 3506.2. Geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited:

Throughout all territory within the boundaries of the Truckee Fire Protection District of Nevada County, including that portion in Placer County.

Exception: The storage of such fluids for use in commercial or industrial uses may be approved in advance in writing by the fire chief or their designated representative.

Section 3804.2. (Geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): within heavily populated or congested commercial areas.

Section 4. That Ordinance No. 01-2007 of the Truckee Fire Protection District of Nevada County, entitled "An Ordinance of the Truckee Fire Protections District of Nevada County adopting the 2007 edition of the *California Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devises, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Truckee Fire Protection District of Nevada County providing for the issuance of permits and collection of fees therefore; repealing Ordinance 1-2002 of the Truckee Fire Protection District of Nevada County and all other ordinances and parts of ordinances in conflict therewith, other than Ordinance 1-96, adopted February 2, 1997 and Resolution 1-94, adopted January 11, 1994, which shall remain in full force and effect" and all other Ordinances, Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed, other than Ordinance 1-96, adopted February 2, 1997 and Resolution 1-94, adopted January 1, 1994, which shall remain in full force and effect.

Section 5. That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. That nothing in this Ordinance or in the *California Fire Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any other cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 7. That the Administrative Officer of the Truckee Fire Protection District of Nevada County is hereby ordered and directed to cause this Ordinance to be published and posted in compliance with California law.

Section 8. 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 throughout all territory within the boundaries of the Truckee Fire Protection District of Nevada County, including that portion of the District in Placer County from and after its publishing, posting and approval as required by California law.

Section 9. The *California Fire Code* is amended and changed in the following respects:

A. Section 101.6 is added to read as follows:

“101.6 Headings. Headings are inserted for convenience of reference only and shall not be utilized to define, limit or otherwise construe this code.”

B. Section 109.3.2 of Division II Administration is added to read as follows:

“109.3.2 Reduction of Penalty. The chief, in their sole discretion, may reduce any alleged violation from a misdemeanor set forth above to an infraction, punishable by a fine of not more than \$500.”

C. Section 111.4 of Division II, Administration shall be amended to read as follows:

“111.4 Failure to Comply. Any person 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 punished for a violation as set forth in Sections 109.3 through 109.3.2 of Division II, Administration, for each such day that the violation occurs.

D. The definition of “Fire Code Official” as set forth in Section 202 shall be amended to read as follows:

“FIRE CODE OFFICIAL.” The fire chief or designated authority charged with the administration and enforcement of the Code, or a duly authorized representative. The “Fire Code Official” may also be known as the “Fire Marshal.”

E. Section 507.5.1 shall be amended to read as follows:

“507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet from a hydrant on a fire apparatus access road, as measured by any approved route around the exterior of the facility or building, on site fire hydrants and mains shall be provided where required by the Fire Code Official. There shall be no exceptions except as permitted in Section 507.5.1(b).

Fire Hydrant Systems. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow to solely residential projects shall be provided on the public street or on the site of the premises or both to be protected as required and approved by the fire chief. See Appendix C. For any project other than solely residential, the location, number and type of fire hydrants shall be determined by the fire chief and shall be connected to a water supply capable of delivering the required fire flow on the public street or on the side of the premises or both to be protected as required and approved by the fire chief.”

- F. Section 605.3.2 is added to read as follows:

“**605.3.2 Main Electrical Disconnect.** When the main electrical disconnect is located on the interior of a building, the installation of an electrical shunt trip shall be required on the exterior in a location that is protected from the elements as approved in advanced in writing by the Fire Code Official.

- G. Section 903.2 shall be amended to read as follows:

“**903.2 Where Required.**” Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Notwithstanding any other provision of this Code, any occupancy other than R occupancies that have a total floor area exceeding 3,600 square feet, regardless of the presence of any area separation walls shall be sprinkled. Where additions increase the total size of the buildings in excess of 3,600 square feet, the addition and the existing occupancy/building shall be provided with an approved automatic sprinkler system. Fire separation areas shall not be used to reduce this requirement. Any structure or occupancy that does not have maintained year-round access for any and all emergency response vehicles shall be sprinkled.

- H. Section 903.3.1.2 shall be amended to read as follows:

“**903.3.1.2 Sprinkler Systems.** Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout the structure.”

- I. Section 903.4.1 shall be amended to read as follows:

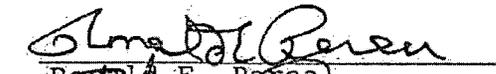
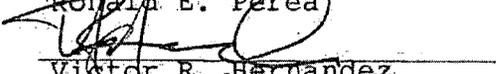
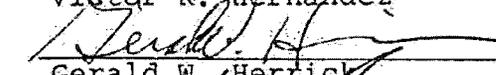
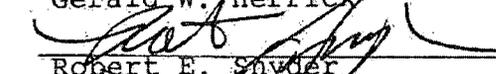
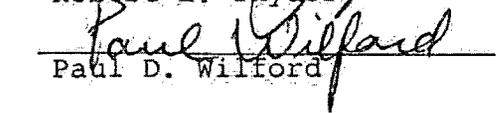
“**903.4.1 Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station, or, when approved in advance in writing by the Fire Code Official, shall send an audible signal at a constantly attended location and at such other locations as may be required by the Fire Code Official.”

J. Section 3801.3 shall be amended to read as follows:

“3801.3 Construction Documents. Where a single LP-gas container is more than 1,200 gallons in water capacity or the aggregate water capacity of LP-gas containers is more than 1,200 gallons, the installer shall submit construction documents for such installation.

PASSED AND ADOPTED at a duly held meeting of the Board of Directors of the Truckee Fire Protection District of Nevada County on December 21, 2010 by the following vote:

Ayes:


Ronald E. Perea

Victor R. Hernandez

Gerald W. Herrick

Robert E. Snyder

Paul D. Wilford

Noes:

Absent:

Abstain:

Attested by:


Joyce L. Engler, Clerk of the Board

Dated: December 21, 2010

EXHIBIT B

BEFORE THE BOARD OF DIRECTORS
OF THE
TRUCKEE FIRE PROTECTION DISTRICT OF NEVADA COUNTY

RESOLUTION 18-2010

**In the Matter of:
Modifications to the 2010 California Fire Code.**

**A RESOLUTION ADDRESSING MODIFICATIONS
TO THE 2010 CALIFORNIA FIRE CODE**

WHEREAS, the Truckee Fire Protection District of Nevada County (hereafter "TFPD") is a fire protection district organized and existing pursuant to Health and Safety Code Sections 13800 et. seq., and

WHEREAS TFPD intends to adopt the California Fire Code, 2010 edition, and

WHEREAS TFPD believes that it is necessary to make certain changes, modifications and amendments to the 2010 California Fire Code due to local climatic, geological or topographical conditions that exist within and without the jurisdictional boundaries of TFPD, and

WHEREAS Health and Safety Code Sections 13869.7 and 17958.7 require certain findings to be made with regard to those modifications,

NOW, THEREFORE, BE IT RESOLVED:

SECTION I. The following portions of the California Fire Code, 2010 edition (hereafter "Code") are being modified for the reasons set forth below:

A. The definition of Fire Code Official in Section 202 is amended so to specify that the "Fire Code Official" may also be known as the "Fire Marshall." This addition is necessary for ease of reference and the local climatic, geological and topographical conditions of this area require the ability to quickly identify and communicate with the appropriate fire official.

B. Section 507.5.1 regarding fire hydrant systems, is amended so to reduce the distance of a facility or building from a fire hydrant. The local climatic conditions of cold weather and heavy snowfall can hinder the access to fire hydrants and the ability of the TFPD to attack fires.

C. Section 605.3.2 is added to require the installation of an electrical shunt trip if the main electrical disconnect is located on the interior of a building. This is added due to local climatic and topographical conditions, and, in particular, the heavy snowfall and snow accumulations during the winter months require the approved installation of an electrical shunt trip to be located on the exterior of the building so that the electrical power to a structure can be easily accessed in the event of a fire.

D. Section 903.2 regarding the installation of sprinklers in certain structures is amended due to local climatic, geological and topographical conditions. In particular, during hard freezing or high snowfall conditions, and the steep roads in the district, accessibility to a fire may be slowed or impossible. Due to these local climatic, geological and topographical conditions that may exist, thereby slowing or preventing response to a fire, the presence of sprinklers may be the only means available to suppress or slow the spread of a fire.

E. Section 903.4.1 is amended so to require an audible automatically transmitted alarm to be in such locations as required by the Fire Code Official. These changes are required due to local climatic, geological and topographical conditions; in particular, during periods of hard freezing or high snowfall, and the steep roads in the district, the accessibility may be slowed or impossible. Due to the possible absence of or delayed response to the fire, it is necessary to ensure that all occupants of a structure are given proper and adequate notice of a fire so to provide as much time as possible to extricate themselves from that structure.

F. Section 101.6 of Division II, Administration is added so to identify that headings are inserted for convenience and reference only, and that the headings do not restrict the interpretation or enforcement of the Code. This addition is necessary due to local climatic, geological and topographical conditions; by way of example, heavy snowfall, hard freezes, urban interface with significant wildland fires, and high winds make it necessary to specifically identify the district's fire prevention enforcement powers.

G. Section 3801.3 is amended so to reduce the triggering amount for the storage of LP gas containers requiring submission of construction documents. This amendment is necessary due to local climatic, geological and topographical conditions, in particular, the urban interface with significant wildland fires and high winds make it necessary to have appropriate construction documents submitted to ensure the proper storage of LP gas containers.

SECTION II. The Board of Directors of the Truckee of Fire Protection District find that the amendments described above are reasonably necessary due to the findings set forth above.

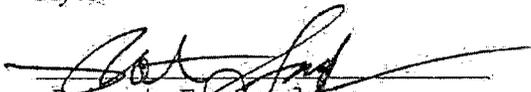
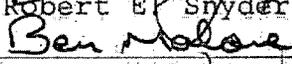
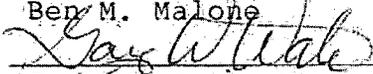
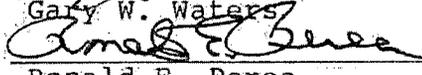
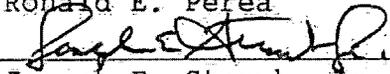
SECTION III. This Resolution is being adopted in order that TFPD may comply with the necessary requirements and procedures to amend the Code to be adopted, in particular, Section 17958.7 of the Health and Safety Code. Adoption of the Code will not be considered until public hearing and comment, including, but not limited to any written or verbal comments by the Town of Truckee, County of Nevada, or County of Placer.

SECTION IV. In order to proceed with the consideration and possible adoption of the Ordinance amending and adopting this Code, the Board of Directors of TFPD hereby authorizes the District's General Counsel, Brent P. Collinson, to prepare a summary of the Ordinance pursuant to Government Code Section 25124(b)(1).

SECTION V. If any provision of this Resolution or application to any person or circumstances are held invalid, the remainder of the Resolution and the application of such provisions to other persons or circumstances shall not be affected thereby.

PASSED AND ADOPTED at a duly held meeting of the Board of Directors of the Truckee Fire Protection District of Nevada County on October 19, 2010, by the following vote:

Ayes:

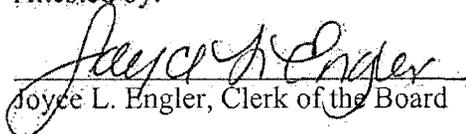

Robert E. Snyder

Ben M. Malone

Gary W. Waters

Ronald E. Perea

Joseph E. Straub, Jr.

Noes:

Absent:

Abstain:

Attested by:


Joyce L. Engler, Clerk of the Board

Dated: 10-19-10

