

## ORDINANCE NO. 2019-01

**AN ORDINANCE OF THE CHINO VALLEY INDEPENDENT FIRE DISTRICT, ADOPTING BY REFERENCE AND AMENDING THE 2019 EDITION OF THE CALIFORNIA FIRE CODE WITH ERRATA, AND THE 2018 INTERNATIONAL FIRE CODE REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS, HAZARDOUS MATERIALS AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING FIRE CODE ORDINANCE NO. 2016-02 OF THE CHINO VALLEY INDEPENDENT FIRE DISTRICT.**

**WHEREAS**, pursuant to California Government Code Section 50022.1 *et seq.* and California Health and Safety Code Section 13869 *et seq.*, the Chino Valley Independent Fire District may adopt by reference the 2019 *California Fire Code*, with errata, and portions of the 2018 *International Fire Code* related to fire and hazardous condition prevention; and

**WHEREAS**, the District may also adopt any amendments to the 2019 *California Fire Code* and 2018 *International Fire Code* previously adopted by reference; and

**WHEREAS**, the District held a public hearing on October 09, 2019 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the 2019 *California Fire Code* as amended herein; and

**WHEREAS**, the District published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on September 14, 2019, and September 21, 2019, ; and

**WHEREAS**, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

**NOW, THEREFORE**, be it ordained by the Board of Directors of the Chino Valley Independent Fire District as follows:

### **Section 1. ADOPTION OF THE CALIFORNIA FIRE CODE.**

The *California Fire Code*, 2019 Edition, with errata, together with those portions of the 2018 *International Fire Code* as published by the International Code Council, including Chapter 1, and the following Sections of Chapter 3; 305, 307 – 307.4, 308 – 308.1.3, 308.1.5 - 308.4.1, 310, 311, 319, Chapter 4, Chapter 11 and Appendix Chapters 4, B, BB, , F, G, H, I, K N and O, not included in the 2019 *California Fire Code*, collectively referred to as the "Fire Code" and with the additions, insertions, deletions, and changes prescribed in Section 2 of this ordinance are hereby adopted and declared to be the Fire Code of the District, in the County of San Bernardino, State of California regulating and governing the safeguarding of life and property from fire and explosion hazards, hazardous conditions 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; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Clerk of the Board of Directors of the District are hereby referred to, adopted, and made part hereof, as if fully set out in this Ordinance.

## **1.1 Definitions.**

1.1.1 The term "jurisdiction" as used in the 2019 California Fire Code, shall mean the territory within the Chino Valley Independent Fire District.

1.1.2 The term "fire department" and "District" as used in the 2019 California Fire Code shall mean the Chino Valley Independent Fire District.

1.1.3 The term "Board of Directors" or "Board" as used in the 2019 California Fire Code shall mean the governing body of the Chino Valley Independent Fire District. The "governing body" shall mean the Board of Directors of the Chino Valley Independent Fire District.

1.1.4 The term "Chief" as used in the 2019 California Fire Code shall mean the Fire Chief of the Chino Valley Independent Fire District.

1.1.5 The term "fire code official" as used in the 2019 California Fire Code shall mean the Fire Marshal and or Deputy or employee charged with the enforcement of this code with Chino Valley Independent Fire District.

1.1.6 The term "fire prevention" as used in the 2019 California Fire Code shall mean the Division, Department or Office of Community Risk Reduction of Chino Valley Independent Fire District.

## **1.2 Fees.**

1.2.1 Reasonable fees, not to exceed actual costs, may be collected by the fire code official for fire protection planning and services included in the Fire Code and in this Ordinance.

1.2.2 Fire Suppression, investigation, rescue, and emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.6. Any person who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to a traffic accident or spill of toxic or flammable liquids or chemicals, is liable for the costs of securing such emergency, including those costs set out in Government Code Section 53150 et seq. Any expense incurred by the District for securing such an emergency situation shall constitute a public debt of such person and shall be collectible by the District in the same manner as in the case of an obligation under contract, expressed or implied.

## **Section 2. LOCAL AMENDMENTS TO THE FIRE CODE.**

**The following Chapter sections of the Fire Code are hereby locally amended as follows:**

**Chapter 1 Scope and Administration, Division II, Section 101.1 shall be changed to read as follows:**

**101.1 Title.** These regulations shall be known as the Fire Code of *Chino Valley Independent Fire District (CVIFD)*, hereinafter referred to as "this code".

**Chapter 1 Scope and Administration, Division II, Section 102.7.1** shall be changed to read as follows:

**102.7.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, *the fire code official shall determine which provision meets the general intent of this code.*

**Chapter 1 Scope and Administration, Division II, Section 102.7.2** shall be changed to read as follows:

**102.7.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, *shall be reviewed along with the referenced codes and standards. After said review, the fire code official shall determine which provisions meet the general intent of this code.*

**Chapter 1 Scope and Administration, Division II, Section 104.10** shall be changed to read as follows:

**104.10 Fire Investigations.** The *District* shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition, *including but not limited to the unauthorized release of hazardous materials. If it appears to the investigation unit that such fire, explosion or other hazardous condition is of suspicious origin, they are authorized to take immediate charge of all physical evidence relating to the cause of the incident and are authorized to pursue the investigation to its conclusion.* Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

**Chapter 1 Scope and Administration, Division II, Section 105.5.8** shall be added to read as follows:

105.5.8. *Failure to pay permit fees in accordance with the terms of the permit application or when a check or credit/debit card submitted for payment of the permit fee(s) is returned or declined.*

**Chapter 1 Scope and Administration, Division II, Section 105.6.15.1** shall be added to read as follows:

**105.6.15.1 Fixed Extinguishing Systems.** *An operational permit is required for a fixed extinguishing system for a Type I Hood.*

**Chapter 1 Scope and Administration, Division II, Section 105.6.30** shall be changed to read as follows:

**105.6.29 Miscellaneous combustible storage.** An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m<sup>3</sup>) gross volume of combustible empty packing cases, boxes, barrels or similar containers, combustible pallets, rubber tires, rubber, cork, *green waste, composting, yard waste,* or similar combustible material.

**Chapter 1 Scope and Administration, Division II**, Section 105.7 shall be changed to read as follows:

**105.7 Required construction permits.** The fire code official is authorized to issue construction permits for work *including, but not limited to, the requirements* as set forth in Chapter 1, Sections 105.7.1 through 105.7.25. *Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy or use of a building or structure or premise or to cause any such work to be done shall make application to the District and obtain the required permit.*

**Chapter 1 Scope and Administration, Division II**, Section 105.7.13 shall be changed to read as follows:

**105.7.19 Private Fire Hydrants and Related Equipment.** A construction permit is required for the installation or modification of private fire hydrants *and related on-site water appliances*. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

**Chapter 1 Scope and Administration, Division II**, Section 109.1 shall be changed to read as follows:

**109.1 Board of appeals established.**

In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be *selected* by the *Fire Chief*. Those *selected* shall hold office as its pleasure. The fire code official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall *adhere to the* rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

**Chapter 1 Scope and Administration, Division II**, Section 109.3 shall be changed to read as follows:

**109.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, fire protection systems or *building standards*, and are not employees of the *District*.

**Chapter 1 Scope and Administration, Division II**, Section 109.4 shall be added to read as follows:

**109.4 Appeals procedure.** *The applicant may file an appeal with the Fire District's Clerk of the Board within thirty (30) days of a final order, decision or determination made by the fire code official relative to the application and interpretation of this code. Upon receipt of an appeal, the Clerk of the Board shall fix the time and place of the hearing, which shall be at a District meeting facility not more than sixty (60) days after the date of the appeal. The Clerk of the Board shall give written notice of the time and place of the hearing to the initiating party, the Fire Chief, the fire code official and the Appeals Board. The Appeals Board shall keep a record of the proceedings of each hearing. The Appeals Board shall issue written findings and a decision within fifteen (15)*

*days of the conclusion of the hearing which shall be mailed to the parties' first class mail, postage prepaid, at such address as they have provided.*

**Chapter 1 Scope and Administration, Division II**, Section 109.5 shall be added to read as follows:

**109.5 Fees.** *The fire code official and staff shall act as staff to the Appeals Board and for that purpose may determine and set fees to charge the appellant to cover the cost of preparation of the record for appeal.*

**Chapter 1 Scope and Administration, Division II**, Section 110.4 shall be changed to read as follows:

**110.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or *who shall fail to obtain approval by the fire code official for the commencement of construction, alteration, or repair or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than 1,000 dollars or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. The fire code official with the concurrence of the chief and the District Attorney, is authorized to use administrative citations and fines as allowed by an ordinance of the District in place of the violation penalties contained in this section. Each day that a violation continues after due notice has been served shall be deemed a separate offense.*

*In addition to, or in place of, the foregoing penalties, administrative penalties pursuant to the District's Administrative Citation Ordinance may be imposed in connection with any violation of this code or any District Ordinance. Any person violating or who has violated any section of this code or District Ordinance may be issued an administrative citation in accordance with the Administrative Citation Ordinance.*

**Chapter 1 Scope and Administration, Division II**, Section -112.4 shall be changed to read as follows:

**112.4 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 *subject to violation penalties as specified in Section -110.4. Each day that the work continues in violation of a stop work order shall be deemed a separate offense.*

**Chapter 3 General Precautions Against Fire**, Section 304.1 shall be changed to read as follows:

**304.1. Waste accumulation prohibited.** Combustible waste material, *as outlined in Section 304.1.1 and 304.1.2, creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. In the event that abatement is not performed as required by a Notice of Violation or Notice to Destroy Weeds, the Fire District may seek approval from its governing body to abate said fire hazard and place a lien upon the property in which such conditions exist.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 6, 8, 9)

**Chapter 3 General Precautions Against Fire**, Section 304.1.2 shall be changed to read as follows:

**304.1.2 Vegetation.** *Cut and uncut weeds, grass, tumbleweeds, vines, trees, or other vegetation that is capable of being ignited and endangering property, shall be removed by the owner or occupant of the premises. Parcels 5 acres or less in size shall be completely cleared of all combustible vegetation deemed hazardous by the fire official. Parcels greater than 5 acres shall provide a minimum 100 feet (100') of clearance around the perimeter of the parcel and additional clearance as required by the fire code official.*

*Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire.*

**Chapter 3 General Precautions Against Fire**, Section 304.1.2.1 through 304.1.2.2.3.4 shall be added to read as follows:

**304.1.2.1 Clearance of brush or vegetative growth from roadways.** *Fire apparatus access roads shall be provided with a minimum of 20 feet clearance and driveways shall be provided with a minimum of 10 feet of clearance.*

**304.1.2.2 Clearance of brush and vegetative growth from electrical transmission and distribution lines.**

**304.1.2.2.1 General.** *Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section 304.1.2.2.*

**Exception:** *Section 304.1.2.2 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.*

**304.1.2.2.2 Support clearance.** *Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall provide a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower and directly under and adjacent to electrical transmission or distribution lines.*

**Exception:** *Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communications circuits by a public utility.*

**304.1.2.2.3 Electrical distribution and transmission line clearances.**

**304.1.2.2.3.1 General.** *Clearances between vegetation and electrical lines shall be in accordance with this Section.*

**304.1.2.2.3.2 Trimming clearance.** *Clearances not less than those established by Table 304.1.2.2.3.2 shall be provided. The radial clearances shown below are*

minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

**TABLE 304.1.2.2.3.2  
MINIMUM CLEARANCE BETWEEN VEGETATION  
AND ELECTRICAL LINES AT TIME OF TRIMMING**

<b>LINE VOLTAGE</b>	<b>MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)</b>
2,400-72,000	4
72,001-110,000	6
110,001-300,000	10
300,001 or more	15

For SI: 1 foot = 304.8 mm.

**Exception:** The fire code official is authorized to establish minimum clearances different than those specified by Table 304.1.2.2.3.2 when evidence substantiating such other clearances is submitted to and approved by the fire code official.

**304.1.2.2.3.3 Minimum clearance to be maintained.** Clearances not less than those established by Table 304.1.2.2.3.3 shall be maintained during such periods of time as designated by the fire code official. The site-specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to high voltage lines.

**Exception:** The fire code official is authorized to establish minimum clearances different than those specified by Table 304.1.2.2.3.3 when evidence substantiating such other clearances is submitted to and approved by the fire code official.

**TABLE 304.1.2.2.3.3  
MINIMUM CLEARANCES BETWEEN VEGETATION  
AND ELECTRICAL LINES TO BE MAINTAINED**

<b>LINE VOLTAGE</b>	<b>MINIMUM CLEARANCE (inches)</b>
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30.5
230,001-500,000	115

For SI: 1 inch = 25.4 mm.

**304.1.2.2.3.4 Electrical power line emergencies.** During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 304.1.2.2.3.3.

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 6, 8, 9)

**Chapter 3 General Precautions Against Fire**, Section 305.6 shall be added to read as follows:

**305.6 Spark arrestor.** *All chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrestor. The spark arrestor shall meet all of the following requirements:*

1. *Openings shall not permit the passage of spheres having a diameter larger than ½ inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.*
2. *The spark arrestor shall be visible from the ground and the screen or chimney cap shall be accessible and removable to allow for cleaning of the chimney flue.*
3. *The net free area of the spark arrestor shall not be less than four times the net area of the outlet of the chimney.*
4. *The spark arrestor screen shall have heat or corrosion resistance equivalent to 12 gauge steel wire, 19 gauge galvanized wire or 24 gauge stainless steel.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 6, 8, 9)

**Chapter 3 General Precautions Against Fire**, Section 313.1.2 and 313.1.2.1 shall be added to read as follows:

**313.1.2 Use of equipment.** *Except as otherwise provided in this section, no person shall use, operate, or cause to be operated, in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrestor as defined in Section 313.1.2.1 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.*

*Exception: 1). Engines used to provide motor power trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section of the exhaust system is equipped with a muffler as defined in the California Vehicle Code.*

*2). Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is not exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition.*

**313.1.2.1 Spark arrestors.** 1). *A spark arrestor is a device constructed of nonflammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch (0.58 mm) in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.*

2). *Spark arrestors affixed to the exhaust system of engines or vehicles subject to Section 313 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 8, 9, 10, 11)

**Chapter 5 Fire Service Features**, Section 503.1.2.1 shall be added to read as follows:

**503.1.2.1 Remoteness.** *Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 6, 7, 8, 9, 11)

**Chapter 5 Fire Service Features**, Section 503.1.2.2 shall be added to read as follows:

**503.1.2.2 Aerial Access.** *Buildings exceeding three stories in height or 30 feet in height shall be provided with aerial fire apparatus access. One or more of the required access routes shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building. The side of the building on which the aerial access fire apparatus road is positioned shall be approved by the fire code official.*

(See **Section 10. Findings.** 4, 5, 6, 8, 9, 11)

**Chapter 5 Fire Service Features**, Section 503.2.1 shall be changed to read as follows:

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 26 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 6, 8, 9, 11)

**Chapter 5 Fire Service Features**, Section 503.2.3 shall be changed to read as follows:

**503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads (67,000 lbs.) of fire apparatus and shall be surfaced *by either asphalt or concrete, except when alternate surfaces are approved by the jurisdiction.*

(See **Section 10. Findings.** 1, 2, 4, 5, 6, 11)

**Chapter 5 Fire Service Features**, Section 505.1 shall be changed to read as follows:

**505.1 Address Identification.** New and existing buildings shall have approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a *minimum* of 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm) *for one- and two-family residential dwellings, and shall be illuminated during hours of darkness. Each character shall be a minimum of 8 inches (204 mm) high with a minimum stroke width of 1.0 inch (25.5 mm) for buildings other than one- and two-family residential dwellings.* Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where

access is by means of a private road and the building *and or address identification* cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

(See **Section 10. Findings.** 3, 4, 6, 7, 9)

**Chapter 9 Fire Protection Systems**, Section 903.2 shall be changed 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.

*In addition to the requirements of Section 903.2.1 through 903.2.12, automatic fire sprinklers are required for the construction of any new building(s) 5,000 square feet or more, regardless of the use of fire walls and occupancy type, except for Group U occupancies not required by Section 903.2.18.*

*In all existing buildings or structures, except one and two-family dwellings, not equipped with an automatic fire sprinkler system, when additions cause the structure to exceed 5,000 square feet, the following provisions shall apply:*

- A. *When such addition exceeds 5,000 square feet, but is less than 50% of the original building square footage, the addition shall be equipped with an automatic fire sprinkler system.*
- B. *When such addition is 50% or greater than the original building square footage, the entire structure shall be equipped with an automatic fire sprinkler system.*

(See **Section 10. Findings.** 3, 4, 6, 7, 10, 11)

**Chapter 49 Requirements for Wildland-Urban Interface Areas**, Section 4906.3. shall be changed to read as follows:

4906.3 Requirements. Hazardous vegetation and fuels around all applicable buildings and structures ,*or upon any premise* shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Section 4291
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation "General Guideline to Create Defensible Space").
3. California Government Code, Section 51182.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.
5. *California Code of Regulations, Title 24, Part 9, Chapter 3, Section 304*

**Chapter 49 Requirements for Wildland-Urban Interface Areas**, Section 4906.3.1 shall be added to read as follows:

**4906.3.1 Correction of conditions.** *Hazardous vegetation and or fuels creating a fire hazard shall not be allowed to accumulate upon premises. The fire code official is authorized to give notice to abate said conditions through a Notice of Violation or Notice to Destroy. In the event that abatement is not performed as required, the Fire District may seek approval from its governing body to abate said fire hazard and make the expense of such correction a lien on the property.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 8, 9, 10, 11)

**Chapter 49 Requirements for Wildland-Urban Interface Areas,** Section 4907.1 shall be added to read as follows:

**-4907.1 Fuel Modification.** *All new buildings or developments to be built or installed in a wildland-urban interface area as set forth in Chapter 49 shall be provided with an approved fuel modification area. Fuel modification areas shall be included into all entitlement documents. A minimum fuel modification of 100 feet is required from each structure within the development. The overall width of the fuel modification shall take into account all slopes and fuel load within the development perimeter and adjacent properties.*

**4908.2 Plans and Permit.** *Fuel modification plans shall be submitted to and approved by the fire code official, plans shall include both preliminary and final fuel modification plans. At the time of final review, a permit shall be obtained by the Fire District.*

**4908.3 Maintenance.** *All elements of the final fuel modification plans shall be maintained in accordance with said plans and are subject to the enforcement process outlined in the Fire Code.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 8, 9, 10, 11)

**4907.2 Storage of firewood and combustible materials.** *Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the fire code official, storage of firewood and combustible material stored in the defensible space shall be located a minimum of 20 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).*

**Chapter 49 Requirements for Wildland-Urban Interface Areas,** Section 4909 shall be added to read as follows:

#### **SECTION 4909 PRECAUTIONARY REQUIREMENTS**

**4909.16 Fireworks.** *Fireworks shall not be used or possessed in wildland-urban interface areas. If found to be in violation of this requirement, penalties as outlined in Chapter 1, Section 110.4 shall be assessed.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 8, 9, 10, 11)

**Chapter 56 Explosives and Fireworks**, Section 5601.1.3 shall be changed to read as follows:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks is prohibited. *If found to be in violation of this requirement, penalties as outlined in Chapter 1, Section 110.4 shall be assessed.*

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605 and Health and Safety Code Division 11.
3. The use of fireworks for fireworks displays pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11.  
The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks and Health and Safety Code Division 11.

**Chapter 56 Explosives and Fireworks**, Section 5601.1.3.1 shall be added to read as follows:

**5601.1.3.1 Seizure of fireworks.** *The fire code official shall have authority to seize, take, remove or cause to be removed at the expense of the owner any fireworks in violation of this code or of any local and state laws, ordinances or regulations.*

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 8, 9, 11)

The following Appendix sections of the Fire Code are hereby locally amended as follows:

**Appendix D Fire Apparatus Access Roads**, Section D101.1 shall be changed to read as follows:

**D101.1 Scope.** Fire apparatus access roads shall be in accordance with this appendix, *Section 503*, and all other applicable requirements.

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 6, 8, 9)

**Appendix D Fire Apparatus Access Roads**, Section D102.1 shall be changed to read as follows:

**D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt or concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 67,000 pounds.

(See **Section 10. Findings.** 1, 2, 3, 4, 5, 6, 8, 9)

**Appendix O Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses,**  
Section O103.7 shall be changed to read as follows:

**O103.7 Fire Protection.** Haunted houses and ghost walks shall be provided with fire protection systems, *as required by the fire code official.*

(See **Section 10. Findings.** 1, 2, 3, 4, 8)

**Section 3. GEOGRAPHICAL LIMITS.**

That the geographical limits referred to in certain sections of the 2019 California Fire Code are hereby established as follows:

**3.1 Establishment of geographical limits of districts in which storage of Class I and Class II liquids in above-ground tanks outside of buildings is to be prohibited.**

The limits referred to in Section 5704.2.9.6.1 of the 2019 California Fire Code in which storage is prohibited are established as commercial and residential areas, except where the fire code official has issued written approval of such storage.

**3.2 Establishment of geographical limits of districts in which storage of Class I and Class II liquids in above-ground tanks is to be prohibited.**

The limits referred to in Section 5706.2.4.4 of the 2019 California Fire Code in which storage is prohibited are established as commercial and residential area, except where the fire code official has issued written approval of such storage.

**3.3 Establishment of geographical limits of districts in which the storage of flammable cryogenic fluids in stationary containers is to be prohibited.**

The limits referred to in Section 5806.2 of the 2019 California Fire Code in which storage is prohibited are established as commercial and residential areas, except where the fire code official has issued written approval of such storage.

**3.4 Establishment of geographical limits of districts in which storage of liquefied petroleum gas is to be restricted.**

The limits referred to in Section 6104.2 of the 2019 California Fire Code in which storage is restricted are established as:

Heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L).

All areas, when in the opinion of the fire code official the location of storage would create a hazard to occupants or property owners, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

**Section 4. REPEAL OF CONFLICTING ORDINANCE.**

That Fire Code Ordinance No. 2016-02 of the District entitled AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CHINO VALLEY INDEPENDENT FIRE DISTRICT, COUNTY OF SAN BERNARDINO, CALIFORNIA, ADOPTING VARIOUS SECTIONS OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, AND THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, WITH ERRATA RELATED TO HAZARDOUS CONDITIONS AND MATERIALS AND FIRE PREVENTION and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5. SEVERABILITY.**

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 of the District hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 6. RIGHTS RESERVED.**

That nothing in this ordinance or in the 2019 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 cause or causes of action 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. PUBLICATION.**

The District Clerk of the Board shall certify to the adoption of this ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the Clerk of the Board and within fifteen (15) days of its adoption shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the Clerk of the Board, in accordance with California Government Code Section 36933.

**Section 8. DATE OF EFFECT.**

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 on January 1, 2020 which is to be no less than thirty (30) days from and after the date of its final passage and adoption.

**Section 9. CEQA EXEMPTION.**

The District finds that the changes made to the Fire Code are enacted to mitigate threats to public peace, health and safety from earthquakes, high winds and fire. Therefore, it can be seen with certainty that the adoption of this ordinance will not have a significant effect on the environment and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. District staff is directed to file a Notice of Exemption within five (5) days of adopting this ordinance.

**Section 10. FINDINGS.**

The Board of Directors hereby finds that the proposed amendments to the 2019 California Fire Code are reasonable and necessary because of local climactic, geologic and topographical conditions within the District's jurisdiction. This finding is supported and based upon the following express findings which address each of these conditions and present the local situation which make the proposed amendments necessary:

1. The climate weather patterns within the District include frequent periods of drought and low humidity adding to the fire danger. Fire season can be year-round in this region.
2. During the summer months the dry winds and existing vegetation mix to create a hazardous fuel condition which has resulted in large loss vegetation and structure fires. Summer temperatures exceeding one hundred degrees (100°), and severe "Santa Ana" winds frequently occur and can move a fire quickly throughout areas of the District. Multiple shifting wind patterns throughout the canyon areas add to the difficulty in suppressing fires.
3. Because of weather patterns, the District has experienced a need for water conservation. Due to the storage capacities and consumption, and a limited amount of rainfall (drought conditions), future water allocation is not fully dependable. While sound management of the water resources is possible, demands and possible critical depletions on an already stressed water supply can most assuredly be predicted.
4. Features located throughout the District are major roadways, highways, freeways and flood control channels which create barriers and slow response times. Other unique factors which create barriers and slow response times are the multiple canyons located within the District and the large California Institute for Men property.
5. The topography is also very steep in large areas of the District affecting the rate of fire spread and response times.
6. Due to the sloping in the regional valley where the District is located, as well as the present street and storm drain design, heavy rainfall causes roadway flooding and landslides which at times may make an access route impassable.
7. The District has within its boundaries active seismic hazards. Seismic activity within the District occurs yearly and a fire potential exists with these active faults. Existing structures and planned new development are at serious risk from an earthquake. This risk includes fire, collapse and the

disruption of water supply for firefighting purposes. Areas can also become isolated as a result of bridge, overpass and road damage and debris.

8. Structures in close proximity to each other pose an exposure problem which may cause a fire to spread from one structure to another as well as to the wildland area.

9. For practical and cost reasons, many new structures are built of wood construction. Many existing structures also have wood shake roofs. The potential for a conflagration exists due to the design and density of current structures.

10. Electrical supply and telephone communication failures occur due to high winds as well as others reasons. Water supply pumps and early notification cannot always be counted on.

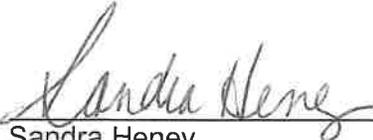
11. Narrow and winding streets with little circulation and streets designed as storm drains impede emergency vehicle access and evacuation routes.

Each of the numbered findings above is located below the section to which it relates.

**REVIEWED, APPROVED AND ADOPTED this 9<sup>th</sup> day of October, 2019.**

  
\_\_\_\_\_  
John DeMonaco, President  
Board of Directors  
Chino Valley Independent Fire District

**ATTEST:**

  
\_\_\_\_\_  
Sandra Heney  
Clerk of the Board

I, Sandra Heney, Clerk of the Board of the Chino Valley Independent Fire District, hereby certify that foregoing Ordinance No. 2019-01 was duly introduced and placed upon its first reading at a regular meeting of the Board of Directors of the Chino Valley Independent Fire District on the 11<sup>th</sup> day of September, 2019, and that thereafter, said Ordinance was duly reviewed, approved and adopted, at a regular meeting of the Board of Directors of the Chino Valley Independent Fire District on the 9<sup>th</sup> day of October, 2019, by the following vote, to wit:

**AYES:**               **BOARD MEMBERS:** DeMonaco, Kreeger, Ramos-Evinger, and Williams.

**NOES:**               **BOARD MEMBERS:** None.

**ABSENT:**           **BOARD MEMBERS:** Luth.

**ABSTAIN:**           **BOARD MEMBERS:** None.