DATE: October 21, 2013

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Larry B. Anderson, Fire Chief and Cary D. Fergus, Fire Marshal

SUBJECT: Introduction (First Reading) of an Ordinance Repealing and Replacing Sections 17.20.010, 17.20.040, 17.20.050, and 17.20.060 of the Petaluma Municipal Code to Adopt the 2013 California Fire Code, California Building Standards Code, Title 24, Part 9, Based on the 2012 Edition of the International Fire Code

RECOMMENDATION

It is recommended that the City Council adopt the attached Ordinance Repealing and Replacing Sections 17.20.010, 17.20.040, 17.20.050, and 17.20.060 of the Petaluma Municipal Code to Adopt the 2013 California Fire Code, California Building Standards Code, Title 24, Part 9, Based on the 2012 Edition of the International Fire Code.

BACKGROUND

The Petaluma Fire Department last adopted the 2010 California Fire Code, based on the 2009 International Fire Code, on December 6, 2010. The 2013 California Building Standards Code, California Code of Regulations (CCR), Title 24, was published in July, 2013 and becomes effective automatically to all jurisdictions within California on January 1, 2014. The California Fire Code is Part 9 of these regulations. The Fire Code establishes regulations for abating fire hazards for all buildings and their uses. Prior to the effective date of January 1, 2014, local jurisdictions have an opportunity to prepare amendments and additions to the codes to reflect local conditions. The Fire Department has prepared the attached Ordinance that includes local amendments and additions to the referenced sections of the California Building Standards Code based on the findings of local climatic, geological and topographic conditions. The attached Ordinance repeals and replaces the entire Fire Code chapter in the Municipal Code, Chapter 17.020, with a new Fire Code chapter, including a new numbering system, and new local amendments.

DISCUSSION

The Petaluma Fire Department, as part of the Sonoma County Fire Prevention Officers, formed a Countywide Code Adoption Committee ("the Committee"). The Committee was formed in 2013 and began reviewing the proposed International Fire Code, the California amendments and
existing local City and County amendments. The intention of the Committee was to develop standard countywide code adoption language. The proposed countywide amendments were presented to stakeholders throughout the county. Several meetings were hosted which were open to the public and included contractors, developers, code officials, engineers, and architects.

The Committee developed a basic model of local code amendment language for Cities and Fire Agencies to use as a standard for amendments throughout the County of Sonoma. The Petaluma Fire Department used the county model language to develop its proposed 2013 California Fire Code. Local changes and additions to the 2013 California Fire Code include, but are not limited to:

1. Clarification of fire sprinkler requirements, which continue to be required in all new buildings, with exceptions;
2. Clarification that additions to buildings increasing their square footage by 50% or more must meet the requirements of new construction;
3. Clarification that remodels, alterations and/or repairs to buildings of 50% or more must meet sprinkler requirements for new construction;
4. Reiteration that a change in occupancy classification that increases the life safety hazard in that occupancy requires meeting the fire sprinkler requirements for new construction;
5. Clarification of defensible space requirements from neighboring buildings or structures;
6. Addition of a requirement for annual service tags/stickers on Fire Alarm panels;
7. Addition of a new requirements limiting the number of permitted fireworks booths, adding a fireworks sale day and providing for a system to eliminate booths through the abandonment of booth permits.

Sections of the 2013 California Fire Code that are left relatively unchanged from the previous update (in 2010) refer to The Downtown sprinkler retrofit ordinance requirements.

As mentioned, these revisions are based on collaborative efforts between all fire agencies within Sonoma County (County of Sonoma and the cities of Santa Rosa, Healdsburg, Sebastopol, Rohnert Park, Windsor and Sonoma) in order to have similar language in the code, thus creating uniformity in all fire codes throughout the county. In general, the submitted amendments do not represent significant change from the existing code.

The California Building Standards Code, as updated and published, is generic to meet the needs of all California. It becomes effective automatically within one hundred eighty (180) days after publication. However, the State legislature recognized that local conditions differ throughout the state, necessitating local amendments to the Building Standards Code to reflect these local conditions. As such, local governments may amend the California Building Standards Code, which includes the 2013 California Fire Code. Exhibit A of the Ordinance outlines the local conditions that justify the amendments.
Because of the Building Standards Commission’s intent to adopt new International Codes, it is necessary to repeal completely the existing local fire code ordinance (Chapter 17.20 of the Petaluma Municipal Code) in part so it aligns with the new numbering sequences of the International Codes.

Adoption of the current California Building Standards Code, with the proposed amendments to reflect local conditions, and implementation of same, will allow the City to address local conditions that are unique to the City of Petaluma and assure the introduction of the latest measures in life safety for new and remodeled construction in the community. Doing so will further promote consistency by making the building and fire safety standards applicable to all construction projects within the City. The Ordinance will take effect thirty days after its adoption, but the new codes will become operative on January 1, 2014, the same day the California Building Standards Code becomes operative throughout the state. This synchronizes the applicability of the new Petaluma local code amendments and the new California Building Standards Code to Petaluma projects. All plans submitted before January 1, 2014 will be reviewed under the old code standards. Plans submitted on or after January 1, 2014 will be reviewed under the new code standards.

FINANCIAL IMPACTS

There are no direct fiscal impacts to the City resulting from the adoption of this Ordinance.

ATTACHMENTS

1. Proposed Ordinance (with Exhibit A).
ORDINANCE NO. ________________ N.C.S.

Introduced by               Seconded by

______________________________  ______________________________

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA
REPEALING AND REPLACING SECTIONS 17.20.010, 17.20.040, 17.20.050
AND 17.20.060 OF THE PETALUMA MUNICIPAL CODE TO ADOPT THE
2013 CALIFORNIA FIRE CODE, CALIFORNIA BUILDING STANDARDS
CODE, TITLE 24, PART 9, BASED ON THE 2012 EDITION OF THE
INTERNATIONAL FIRE CODE, INCLUDING LOCAL AMENDMENTS
TO SPECIFIED PROVISIONS OF THE CALIFORNIA BUILDING
STANDARDS CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS
FOLLOWS:

SECTION 1: Sections 17.20.010, 17.20.040, 17.20.050 and 17.20.060 of the
Petaluma Municipal Code are hereby repealed in their entirety.

SECTION 2: Pursuant to California Health and Safety Code section 17958.7, the
City Council makes the factual findings set forth in “Exhibit A” attached hereto and
incorporated herein by reference, and finds that the amendments made in this Ordinance to
the California Building Standards Code, Title 24, Part 9, 2013 California Fire Code, based
on the 2012 Edition of the International Fire Code, are reasonably necessary because of the
local climatic, geological or topographical conditions set forth in said Exhibit.

SECTION 3: Section 17.20.010 of the Petaluma Municipal Code is hereby added
to read as follows:

17.20.010 - ADOPTION OF CALIFORNIA BUILDING STANDARDS CODE,
TITLE 24, PART 9, 2013 CALIFORNIA FIRE CODE, INCORPORATING
THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE

There is hereby adopted by the City of Petaluma for the purpose of prescribing
regulations governing conditions hazardous to life and property from fire,
hazardous materials or explosion, that certain Code and Standards known as the
California Code of Regulations Title 24, Part 9, 2013 California Fire Code (CFC),
incorporating the 2012 Edition of the International Fire Code, including
Appendices, Chapter 4, A, B, C, D, E, F, G, H, I, and J published by the
International Code Council and the California Building Standards Commission,
being particularly the 2013 Edition California Fire Code (CFC) and the whole
thereof, save and except such portions as are hereinafter deleted, added or
amended by this chapter. Not less than one copy of said code has been and is now
filed in the Office of the Clerk of the City and the same is adopted and
incorporated as fully as if set out at length herein and the provisions thereof shall
be controlling within the limits of the City.

SECTION 4: Section 17.20.040 of the Petaluma Municipal Code is hereby added
to read as follows:

17.20.040 - Establishment of Fire Hazard Severity Zone(s) (FHSZs)

(a) Limits related to Chapter 49 of the California Fire Code Requirements for
Wildland-Urban Interface Fire Areas as amended and adopted by City of Petaluma.
Chapter 49 shall apply to all real property with newly constructed buildings within
the City of Petaluma located within the (FHSZ) as designated by the Chief and the
Fire Resources Assessment Program (FRAP) map published by Cal Fire and as
amended by the Chief. A map of such areas is maintained in the office of the Fire
Prevention Bureau.

SECTION 5: Section 17.20.050 of the Petaluma Municipal Code, entitled
“Amendments Made in the California Fire Code”, is hereby added to include the following
additions, amendments and deletions to the 2013 California Fire Code:

CHAPTER 1 -- SCOPE AND ADMINISTRATION

Section 101.1 is amended to read as follows:

101.1 - Title. This chapter shall be known as the “2013 California Fire Code”,
including the appendices and may be cited and referred to as such.

Section 102.3 is amended to read as follows:

102.3 - Change of Use or Occupancy. No change shall be made in the use or
occupancy of any structure that would place the structure in a different division of
the same group or occupancy or in a different group of occupancies, unless such
structure is made to comply with the requirements of this code, the California
Building Code as adopted by the City of Petaluma City Council (City Council), and
the International Building Code. Subject to the approval of the Fire Code Official,
the use or occupancy of an existing structure shall be allowed to be changed and the
structure is allowed to be occupied for purposes in other groups without conforming
to all the requirements of this code, the California Building Code as adopted by the
City Council, and the International Building Code for those groups, provided the
new or proposed use is less hazardous, based on life and fire risk, than the existing
use.

Section 102.7.3 is added to read as follows:

102.7.3 - Supplemental Rules, Regulations and Standards. The Fire Code
Official is authorized to render interpretations of this code and to make and enforce
rules and supplemental regulations and to develop Fire Prevention Standards to
carry out the application and intent of its provisions.

Section 103.1.1 is added to read as follows:

103.1.1 - General. Where this code refers to the Department of Fire Prevention,
the Fire Prevention Bureau will be inserted. Where this code refers to the Fire
Marshal, the Fire Code Official will be inserted.

Section 104.3 is amended to read as follows:

104.3 - Right of Entry.

(a) The Fire Chief, or his authorized representative in the performance of duties
herein prescribed, shall have the right to enter upon and into any and all premises
under his jurisdiction, at all reasonable hours for the purpose of inspecting the same
to determine whether or not the provisions of this code and all applicable laws or
Ordinances pertaining to the protection of persons and property from fire, explosion
or exposure to hazardous materials are observed therein. Provided, however, that
an inspection warrant, issued pursuant to Title 13, Part 3 of the Code of Civil
Procedure be first secured where entry is refused, except in an emergency situation.
No owner, occupant or any other person having charge, care or control of any
building or premises shall fail or neglect, after proper request is made as herein
provided to promptly permit entry therein by the Chief or his authorized
representative for the purpose of inspection and examination pursuant to this code.

(b) The Fire Chief, and his duly authorized representative, shall have the
authority to enter any building, or premises for the purpose of extinguishing or
controlling any fire, performing rescue operation, investigating the existence of
suspected or reported fires, gas leaks or other hazardous conditions or taking any other action necessary in the reasonable performance of their duty.

*Section 104.7.2* is amended to read as follows:

**104.7.2 - Technical Assistance.** To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the Fire Code Official, the Fire Code Official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a scope of work, technical opinion, and all the reports necessary to verify compliance with the applicable codes and standards. The opinion and report shall be prepared by a qualified engineer, specialist, and laboratory or fire safety specialty organization acceptable to the Fire Code Official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The Fire Code Official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

*Section 104.11.4* is added to read as follows:

**104.11.4 - Charges.** The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Section 104.11 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person to the City and shall be collectable by the Fire Chief for proper distribution in the same manner as in the case of an obligation under an expressed or implied contract. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation and clean up the site.

*Section 105.1.4* is added to read as follows:

**105.1.4 - New Materials and Permits.** The Fire Chief and the Fire Code Official may act as a committee to determine and specify any new regulated materials, and shall establish processes or occupancies requiring permits in addition to those enumerated in this code. The Fire Chief or designee shall post such list in a conspicuous place in the office, and distribute copies thereof to interested persons. Permits under this section shall be administered in accordance with Section 105.
Section 105.6.8 (Table 105.6.8) is amended to read as follows:

<table>
<thead>
<tr>
<th>Type of Gas</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corrosive</td>
<td>200 (cubic feet at NTP)</td>
</tr>
<tr>
<td>Flammable (except liquefied petroleum gas)</td>
<td>200</td>
</tr>
<tr>
<td>Highly toxic</td>
<td>Any Amount</td>
</tr>
<tr>
<td>Inert and simple asphyxiate</td>
<td>2,000</td>
</tr>
<tr>
<td>Oxidizing (including Oxygen)</td>
<td>200</td>
</tr>
<tr>
<td>Pyrophoric</td>
<td>Any Amount</td>
</tr>
<tr>
<td>Toxic</td>
<td>Any Amount</td>
</tr>
</tbody>
</table>

Section 105.6.2.1 is added to read:

105.6.2.1 – Apartment, Hotel, or Motel. An operational permit is required to operate an apartment house, hotel, or motel.

Section 105.6.11.1 is added to read as follows:

105.6.11.1 - Day Care. An operational permit is required to operate a day care facility with an occupant load of six (6) or more children.

Section 105.7.6.1 is added to read as follows:

105.7.6.1 - Fixed Extinguishing System. A construction permit is required for the installation or modification to fixed extinguishing systems including but not limited to protection of cooking equipment, protection of computers or other high value items or systems other than fire sprinklers.

Section 105.6.29.1 is added to read as follows:

105.6.29.1 - Model Rockets Rental, Sale or Operation. An operational permit is required to operate, manufacture, import, export, possess, store, rent or sell model rockets as defined Health and Safety Code Section 12519.
Section 105.6.39.1 is added to read as follows:

105.6.39.1 - Residential and Commercial Institutional Care Occupancy. An operational permit is required to operate residential or commercial institutional care occupancy. Occupancies complying with Health and Safety Code Section 13235 are exempt.

Section 105.6.39.2 is added to read as follows:

105.6.39.2 - Retail Sales of Fireworks. An operational permit to engage in the sales or distribution of state-approved fireworks is required.

Section 105.7.11.1 is added to read as follows:

105.7.11.1 - Medical Gas Systems. A construction permit is required to install a medical gas system.

Section 105.7.12 is amended to read as follows:

105.7.12 - Private Fire Hydrants and Underground Fire Main Installations. A construction permit is required for the installation of any private fire hydrants and/or underground fire mains to supply fire hydrant(s) and/or fire sprinklers.

Section 108.1 is amended to read as follows:

Section 108.1 - Appeals

(a) Appeals. Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the board of appeals, which is designated to be the board of building review as heretofore established and appointed according to Chapter 17.08 of the Petaluma Municipal Code, within thirty (30) days from the date of the decision appealed. The Fire Chief shall act as secretary of the board when it is hearing appeals concerned with the Fire Code.

(b) Fireworks Booth Sales Permits. Notwithstanding Section (a), the following appeals procedure shall apply exclusively to permits for Fireworks Booths Sales under this Code. Any person aggrieved by a decision of the Fire Chief, or his/her designee, to disapprove an application, refuse to grant a permit, place conditions on a permit, or revoke a fireworks booth sales permit shall have a right of appeal of the decision to the City Manager, or his/her designee. Such
appeal shall be taken by filing a written notice of appeal with the City Clerk within ten (10) days of the date of the decision. The appeal shall set forth the grounds for the appeal and the name and address of the person requesting the appeal. A failure to file a timely and complete appeal shall render the decision final and conclusive. The City Manager shall, within ten (10) days of the filing of the appeal, set a time and place for a hearing on the appeal. The appeal shall be set no less than five (5) days after the filing of the appeal and no more than sixty (60) days after the filing of the appeal. The City Manager's determination following the hearing shall be in writing and shall contain a statement of the facts upon which the determination is based. The City Manager's determination shall be sent first-class U.S. mail, postage prepaid to the person requesting the appeal, not later than ten (10) days following the date of such determination. The determination of the City Manager shall be final and conclusive. (Ord. 2175 NCS §3, 2004; Ord. 1997 NCS §1 (part), 1995.)

Section 108.3 is deleted in its entirety.

Section 109.4 is amended as follows:

109.4 - Violation Penalties

(a) Any violation of the provisions of this section shall be a misdemeanor. Notwithstanding the preceding sentence, a violation of the provisions of this section may be charged and prosecuted as an infraction at the discretion of the City Attorney's office or other enforcing authority.

(b) A person is guilty of a separate offense for each day during which he/she commits, or continues or permits a violation of this chapter, or each time he/she disobeys a valid order of an enforcement officer.

(c) Because of the serious threat of fire or injury posed by the use of "Dangerous Fireworks" that can result from persistent or repeated failures to comply with the provisions of this code and the effect of such conditions or activities on the safety and the use and enjoyment of surrounding properties and to the public health, safety and welfare, this Article imposes liability upon the owners of residential real property for all violations of this code existing on their residential real property. Each contiguous use, display and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.

(d) Nothing in this section shall prohibit a court from imposing restitution upon any person convicted of a violation of the provisions of this section.
(e) In addition to any other remedies available to the City under any applicable state or federal statute or pursuant to any other lawful power the City may possess, any violation of this chapter may be prosecuted or enforced as a nuisance and enforced by a civil court action as provided in Chapter 1.13 of the Petaluma Municipal Code or via administrative enforcement as a nuisance as provided in Chapter 1.14 of the Petaluma Municipal Code as Chapters 1.13 and 1.14 may be amended from time to time.

(f) Administrative Citation pursuant to Petaluma Municipal Code Chapter 1.16. In addition to any other remedies available to the City under any applicable state or federal statute or pursuant to any other lawful power the City may possess, any violation of this Chapter may be enforced by administrative citation pursuant to Chapter 1.16 of the Petaluma Municipal Code as Chapter 1.16 may be amended from time to time.

(g) Administrative Citation pursuant to Health & Safety Code Section 12557. In addition to any other remedies available to the City under any applicable state or federal statute or pursuant to any other lawful power the City may possess, any violation of this Chapter may be enforced by administrative citation pursuant to Health & Safety Code Section 12557 when a violation relates to the possession, use, storage, sale and/or display of those fireworks classified as dangerous fireworks as defined herein and/or the use of state-approved fireworks as defined herein on or at dates, times and/or locations other than those permitted by this Ordinance.

1. The imposition of fines related to dangerous fireworks under this section 109.4(g) shall be limited to persons who possess, sell, use and/or display, or to the seizure of less than 25 pounds (gross weight) of such dangerous fireworks.

2. Fines collected pursuant to this section 109.4(g) shall not be subject to Health & Safety Code section 12706, which provides that certain fines collected by a court of the state be deposited with, and disbursed by, the County Treasurer. However, the City shall provide cost reimbursement to the State Fire Marshal pursuant to regulations as adopted, or as may be adopted by the State Fire Marshal addressing the State Fire Marshal’s cost for the transportation and disposal of dangerous fireworks seized by the City, which costs will be part of any administrative fine imposed. Unless and until such regulations have been adopted by the State of California, the City shall hold in trust $250 or 25% of any fine collected, whichever is greater, to cover the cost of
reimbursement to the State Fire Marshal for the cost of transportation and
disposal of any dangerous fireworks seized by the City.

3. Other than as expressly modified herein, enforcement of violations
by administrative citation pursuant to Health & Safety Code Section
12557 shall be subject to the provisions of Petaluma Municipal Code
Chapter 1.16.

Section 109.5 is added to read as follows:

**Section 109.5 - Authority to Issue Citations.** The Fire Chief and members of
the Fire Prevention Bureau who have the discretionary duty to enforce a statute or
Ordinance may, pursuant to Section 836.5 of the California Penal Code and
subject to the provisions thereof, arrest a person without a warrant whenever the
Fire Chief or member of the Fire Prevention Bureau has reasonable cause to
believe that the person to be arrested has committed a violation in the presence of
the Fire Chief or member of the Fire Prevention Bureau which he or she has
discretionary duty to enforce, and to issue a notice to appear and to release such
person on his or her written promise to appear in court, pursuant to the provisions
of Section 853.5 et seq. of the California Penal Code.

Section 111.1 is amended to read as follows:

**111.1 - Order/Authority.** Whenever the Fire Code Official finds any work
regulated by this code, the Petaluma Municipal Code or the Zoning Ordinance
being performed in a manner contrary to the provisions of this code, without a
permit, beyond the scope of the issued permit, in violation of this code, the
Petaluma Municipal Code or Zoning Ordinance, or deemed as dangerous or
unsafe, the Fire Code Official is authorized to issue a stop work order.

Section 111.2 is amended to read as follows:

**111.2 - Issuance.** The stop work order shall be in writing and shall be posted in a
visible location near the location where the work is being conducted. If the owner
or owner's agent is not on site at the time of posting, a notice advising the reasons
for the stop work order issuance shall be hand delivered or mailed first-class to
the owner of the property involved, or to the owner's agent, or to the person doing
the work. Upon issuance of a stop work order, the cited work shall immediately
cease. The stop work order shall state the reason for the order, the conditions
under which the cited work will be permitted to resume, and the name and contact
information of the official or agency issuing the order.
Section 111.3 is amended to read as follows:

111.3 - Emergencies/Unlawful Continuance. Where an emergency exists, the Fire Code Official shall not be required to give written notice prior to stopping work. Any person who continues to engage in 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 guilty of a misdemeanor.

Section 111.4 is 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 subject to the penalty provisions of the City of Petaluma Municipal Codes or state law.

Section 111.4.1 is added to read as follows:

111.4.1 - Removal of Posted Stop Work Order. Any person who removes a posted stop work order without written consent of the Fire Code Official shall be guilty of a misdemeanor.

Section 111.4.2 is added to read as follows:

111.4.2 - Response Required. Violators receiving a stop work order are required to respond to the Fire Prevention Bureau within two (2) business days of the issued notice to receive instructions on how to rescind the order.

Section 111.4.3 is added to read as follows:

111.4.3 - Permit Application Required. A fire permit application must be submitted for approval within fifteen (15) working days following response to the Fire Prevention Bureau. Plans will be reviewed and correction letters issued or permit application approved within fifteen (15) working days of receipt by the Fire Prevention Bureau. A response to any correction letter must be submitted within fifteen (15) working days of the date of the correction letter. Five working days will be required to review this second submission and a permit approved for issuance. Permits ready for issuance must be issued within five (5) working days thereafter. All construction must be inspected as work progresses and signed off by all affected departments within sixty (60) days of permit issuance.
Section 111.4.4 is added to read as follows:

111.4.4 -

111.4.4—Stop Work Order Penalty. The Fire Code Official may impose Stop Work Order Penalties in accordance with Section 1.14.050 of this code and/or other applicable law.

CHAPTER 3 - GENERAL PRECAUTIONS AGAINST FIRE

Section 304.1.2.1 is added to read as follows:

304.1.2.1 - Defensible Space-Neighboring Property. Persons owning, leasing or controlling property within areas requiring defensible spaces are responsible for maintaining a defensible space on the property owned, leased or controlled by said person, of not less than thirty feet (30') (9.144 m) around any building or structure. Distances may be modified by the Fire Code Official because of a site-specific analysis based on local conditions.

Section 307.2.1.1 is added to read as follows:

307.2.1.1 – Use of Outdoor BBQs, Fireplaces and Fire Pits. The use of outdoor BBQs, fireplaces and fire pits shall meet the requirements set forth in the Petaluma Fire Department’s guidance document entitled Outdoor Fireplace/Fire Pit Guidelines.

CHAPTER 5 – FIRE SERVICE FEATURES

Section 501.1 is amended to read as follows:

501.1 - Scope. Fire service for buildings, structures and premises shall comply with this chapter. This section applies to residential and commercial developments. Single family residential projects in approved rural areas shall comply with the Fire Safety Standards. Design and construction shall be in accordance with the following sections, unless otherwise authorized by the Fire Code Official in accordance with Section 104.9 - Alternative Materials and Methods.
Section 502.1 is hereby amended to include the following definitions:

Fire Apparatus Access Road. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway. Public streets may be defined by the standards of the local agency having jurisdiction over the project.

Floor Area. The floor area used for calculating the required fire flow shall be the total floor area of all floor levels within the exterior walls of a structure that are under the horizontal projection of the roof, except as modified in Appendix Section B104 of the 2013 California Fire Code.

Section 503.2.6 is amended to read as follows:

503.2.6 - Bridges and Elevated Surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Code Official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved sigirs or both shall be installed and maintained when required by the Fire Code Official.

Section 503.2.6.1 is added to read:

503.2.6.1 - Evaluation. All existing private bridges and elevated surfaces shall be evaluated by a California licensed civil engineer experienced in structural engineering or a California licensed structural engineer for the purposes of safety and weight rating and the vehicle load limits shall be posted at both entrances to bridges. Theses evaluations shall be performed at the direction of the Fire Code Official.

Section 503.2.6.2 is added to read:

503.2.6.2 - Bridge Maintenance. All new and existing bridges and elevated structures providing emergency access shall be routinely evaluated and maintained in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Manual: “The Manual for Bridge
Section 503.2.7.1 is added to read as follows:

503.2.7.1 - Grade Angles. The maximum allowable grade for driveways and roadways used for fire apparatus access is twelve percent (12%). Special allowances up to a maximum of eighteen percent (18%) may be granted with the approval of the Fire Code Official and City Engineer.

Section 505.1 is amended to read as follows:

505.1 - Address Identification. New and existing buildings shall be provided with approved illuminated address numbers or letters. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. Address numbers shall be Arabic numerals or alphabetic letters. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other approved sign or means shall be used to identify the structure. Address identification shall comply with Fire Department Standards.

Section 505.1.1 is added to read as follows:

505.1.1 - One and Two-Family Dwellings. Numbers for one and two-family dwellings shall be a minimum of four inches (4") (101.6mm) high with a minimum stroke width of 0.5 inches (12.7 mm).

Section 505.1.2 is added to read as follows:

505.1.2 - Numbers for Other Than One- and Two-Family Dwellings. Numbers for other than one- and two-family dwellings shall be a minimum of twelve inches (12") high with a minimum stroke width of one inch (1"). Suite and unit directional numbers shall be a minimum of six inches (6") in height with a minimum stroke width of 0.75 inches. Individual unit numbers shall be a minimum of four inches (4") in height with a minimum of strike with of one-half inch (1/2").
Section 505.1.3 is added to read as follows:

505.1.3 - Complex Directory. Where two (2) or more buildings are set back off the street in excess of one hundred fifty feet (150’) or when required by the Fire Code Official, an approved illuminated complex directory shall be provided at the main entrances to the property.

Section 506.1 is amended to read as follows:

Section 506.1 - Key Boxes. When access to or within a structure or area is determined to be unduly difficult by the Fire Code Official because of secured openings (doors or gates) or due to the presence of hazardous materials or fire protection systems, a key box shall be required to be installed at an accessible location. The key box shall be an approved type and contain those keys necessary to gain access.

Section 507.3.1 is added to read as follows:

507.3.1 - Adequate Water Supply. Minimum fire flow for buildings shall be calculated as specified in California Fire Code Section B105 of Appendix B “Fire-Flow Requirements for Buildings”. If building fire flow calculations cannot be made at the time of project submittal, the following fire flows shall apply. When the building fire flow calculations are submitted, these flows shall be adjusted in accordance with Appendix B:

- Single and Two Family Residential: 1,500 GPM
- Commercial, Industrial, Schools and Multi-Family Residential: 2,500 GPM

Fire flows for single-family dwellings may be reduced to the minimum flow as permitted by Appendix B so long as the residual pressure shall be a minimum of twenty pounds (20 lbs.) per square inch (psi) available for firefighting.

Section 507.5 is amended to read as follows:

507.5 - Fire Hydrant Systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C as amended.

Section 507.5.1 is 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 (45.179
m) from a hydrant on a fire apparatus access road, as measured by an 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.

Section 507.5.1 the exception is deleted.

Section 507.5.1.2 is added to read as follows:

507.5.1.2 - Additional Requirements.

(a) Upon review of site conditions by the Fire Department, fire hydrant spacing requirements may be reduced or modified. Fire hydrants shall be placed along all adjoining public and private streets and Fire Department access drives.

(b) Divided streets shall have hydrants located as required by the Fire Code Official on both sides of the street and they shall be staggered to prevent a hydrant being placed directly across the divided street from another hydrant.

(c) Types of Hydrants: Hydrants shall conform to the City of Petaluma Sewer and Water Design and Construction Standards.

CHAPTER 7 – FIRE RESISTANCE-RATED CONSTRUCTION

Section 706 is added to read as follows:

706 - Repair of Breaches of Non-Rated Walls/Ceilings in Fire Zone 1. Breaches, openings, holes or other broken wall and ceiling areas in buildings in Fire Zone 1 (generally defined as the Downtown Business District) as defined in Section 17.22 of the Petaluma Municipal Code shall be repaired, restored or replaced when damaged, altered, breached, penetrated, removed or improperly installed. Openings/breaches can be repaired with like material such as lath and plaster, sheetrock, plywood or other reasonable barrier. The intent of this Section is to close openings/breaches to limit the spread of fire and products of combustion in the downtown business district buildings.

CHAPTER 9 – FIRE PROTECTION SYSTEMS

901.7.6.1 is added to read as follows:

901.7.6.1 - Problematic and Unreliable Fire Alarms. The Fire Chief may determine a fire alarm to be unreliable upon receipt of more than three (3) false alarms within a twelve-month period. Upon making such a finding, the Fire Chief may order the following:
(a) For any nuisance alarm where the system is not restored, the Fire Chief may require the system owner to provide standby personnel or take such other measures as the Fire Chief deems appropriate. Such measures shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the Fire Chief that the alarm system has been restored to a reliable condition. The Fire Chief may require such tests as he deems necessary to demonstrate the adequacy of the system.

(b) Require the owner to pay mitigation fees pursuant to the City of Petaluma fee schedule.

Section 903.2 is amended to read as follows:

903.2 - Where Required. Approved automatic sprinkler systems in new buildings and structures shall be provided in locations described in this section. Additional local requirements are described in Sections 903.2.1 through 903.2.19 and may supersede the following requirements. The most restrictive requirement shall apply.

Section 903.2.20 is added to read as follows:

903.2.20 - Local Fire Sprinkler System Requirements.

Section 903.2.20.1 is added to read as follows:

903.2.20.1 - System Requirements. An approved automatic fire sprinkler system shall be installed and maintained in all newly constructed buildings.

Exceptions:

1. Detached Group U occupancies one thousand square feet (1,000’ sq.) or less. Agricultural buildings and private riding arenas as approved by the Fire or Building Code Official.

2. Detached pool houses up to one thousand square feet (1,000’ sq.) in floor area within fifty feet (50’) of the pool and limited to a single bathroom.

3. Detached non-combustible motor vehicle fuel dispensing canopies classified as a Group M occupancy.

4. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities.

5. Detached carports of noncombustible construction with non-habitable spaces above.
6. Detached Group B or M occupancies five hundred square feet (500 sq.) or less.

Section 903.2.20.2 is added to read as follows:

903.2.20.2 – Additions-Residential. Additions to existing residential buildings that increase the total square footage of existing floor area by fifty percent (50%) or greater shall meet the requirements for a newly constructed building. This requirement applies to the cumulative effect on square footage of 50% or greater as a result of additions taking place over a five year period involving one or more building permits. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

Section 903.2.20.3 is added to read as follows:

903.2.20.3 - Remodels, Repairs and/or Alterations. Residential remodels, repairs and/or alterations, individually or any combination thereof, involving fifty percent (50%) or greater of square footage of the existing floor area shall meet the requirements for a newly constructed building. This requirement applies to the cumulative effect on square footage of fifty percent (50%) or greater as a result of remodels, repairs and/or alterations taking place over a five year period involving one or more building permits.

Section 903.2.20.5 is added to read:

903.2.20.5 - Additions-Commercial and Multi-Family Additions. Additions to existing commercial buildings that increase the total square footage of existing floor area by twenty-five percent (25%) or greater shall meet the requirements for a newly constructed building. All additions to commercial buildings with an existing approved automatic sprinkler system shall be required to extend the sprinklers into the addition.

Section 903.2.20.6 is added to read as follows:

903.2.20.6 - Remodels, Alterations or Repairs-Commercial. For remodels, alterations and/or repairs to existing building(s) involving demolition, removal or repair of fifty percent (50%) or greater of the structure, the building shall meet the automatic fire sprinkler requirements for a newly constructed building.

Exceptions: Alterations or additions made solely for the purpose of complying with the American’s with Disabilities Act.
Section 903.2.20.7 is added to read:

903.2.20.7 - Changes of Occupancy. When any change of occupancy occurs where the proposed new occupancy classification is more hazardous based on fire and life safety risks as determined by the Fire Code Official including, but not limited to, the conversion of residential buildings to condominiums, the building shall meet the fire sprinkler requirements for a newly constructed building.

Section 903.2.20.8 is added to read:

903.2.20.8 - Residential Conversions. Fire sprinkler systems shall be installed in all single-family dwellings that are converted to duplexes and/or multi-family dwellings, bed and breakfasts, inns, lodging houses or similar uses. Fire sprinkler systems shall be installed in all conversions of a detached garage into living space or sleeping space.

Section 903.2.20.9 is added to read as follows:

903.2.20.9 - Elevation of Existing Buildings. An automatic fire extinguishing system shall be installed throughout all existing buildings when the building is elevated to three (3) or more stories or more than thirty-five feet (35') in height, from grade to the exposed roof.

Exceptions: An automatic fire-extinguishing system need not be provided when the area above thirty-five feet (35') is provided for aesthetic purposes only and is a non-habitable space.

Section 903.2.20.10 is added to read:

903.2.20.10 - Installation of Automatic Fire Sprinklers in Pre-Existing Buildings (Historic Downtown Business District).

(a) Geographic Boundary-Historic Downtown Business District: For the purposes of this section, the Historic Downtown Business District shall include all buildings located inside the geographic area generally formed by Kentucky Street to the west, Washington Street to the north, the Petaluma River to the east, and B Street to the south. Also included in this section is 201 Washington Street (Phoenix Theater) and 132 Keller Street (formerly Tuttle Drug), as more particularly described in Figure 1003.2.12.
(b) Installation Requirements: An automatic sprinkler system-conforming to the Standard for the Installation of Sprinkler Systems (NFPA-13) shall be installed in all existing buildings in the Historic Downtown Business District in accordance with the following criteria:

(1) Kentucky Street and Western Avenue:

a. In any building wherein a change of occupancy occurs.

b. In any building or occupancy where the square footage of the building or occupancy is increased or alterations to the structure are made pursuant to Section 903.2.19.3, Section 903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section 903.2.19.7 and Section 903.2.19.8 of this Ordinance.

c. All buildings with basements or space below street grade used for storage, business or public use shall have automatic fire sprinklers installed within the basements or the below street grade areas no later than December 31, 2010.

d. All buildings not meeting the criteria of (a) or (b) above shall have automatic fire sprinklers installed throughout the structure, including all public, private, storage and/or concealed spaces, as defined by the Standard for the Installation of Sprinkler Systems (NFPA-13) by no later than December 31, 2016.

(2) Petaluma Boulevard North: Automatic fire sprinkler requirements shall not become effective until the City of Petaluma installs an appropriate sized water main and laterals to the curb lines similar to the
main previously installed on Kentucky Street and Western Avenue. Upon
notice by the City of such installation, an automatic sprinkler system
conforming to the Standard for the Installation of Sprinkler Systems
(NFPA-13) shall be installed according to the following criteria:

a. In any building wherein a change of occupancy occurs.

b. In any building or occupancy where the square footage of the
building or occupancy is increased or alternations to the
structure are made pursuant to Section 903.2.19.3, Section
903.2.19.4, Section 903.2.19.5, Section 903.2.19.6, Section
903.2.19.7 and Section 903.2.19.8 of this Ordinance.

c. All buildings with basements or space below street grade used
for storage, business or public use shall have automatic fire
sprinklers installed within the basements or the below street
grade areas, no later than December 31 of the year that is six
(6) years from the date of the water main installation.

d. All buildings not meeting the criteria of (a) or (b) above shall
have automatic fire sprinklers installed throughout the
structure, including all public, private, storage and/or concealed
spaces, as defined by the Standard for the Installation of
Sprinklers (NFPA-13), no later than December 31 of the year
that is twelve (12) years from the date of the water main
installation.

(3) Property Owner’s Responsibility for System Installation:

a. The Property Owner shall be responsible for installation of the
lateral service from the curb line into the building. This also
includes isolation, check or other valves or devices, as
applicable.

b. The Property Owner shall be responsible for the installation of
the automatic fire sprinkler system according to the Standard
for the Installation of Sprinkler Systems (NFPA-13).

(4) Plans and Specifications: Plans and Calculations (NFPA-13, Chapter
8) for the service lateral and fire sprinkler system shall be submitted to
and approved by the Fire Prevention Bureau prior to installation of
equipment and materials.

a. For the Kentucky Street installations that are required on or
before December 31, 2010 or December 31, 2016, all Plans and
Calculations for service lateral and sprinkler systems shall be
submitted no later than June 30, 2010 or June 30, 2016 respectively, with installation and approval of work to occur prior to December 31, 2010 or December 31, 2016 respectively.

b. For Petaluma Boulevard North installations that occur in the last year of the six (6) or twelve (12) year deadline (when established) after the installation of the water main by the City of Petaluma, Plans and Calculations shall be submitted in that last year no later than June 30 of that year, with installation and approval of work to occur prior to December 31 of that last year.

Section 903.3 is amended as follows:

903.3 - Installation Requirements. Sprinkler systems shall be designed and installed in accordance with NFPA-13, NFPA-13R (if approved by the Fire Code Official) and NFPA-13D. Pursuant to Section 102.7.1 and Section 105.1.4, the Fire Code Official may require additional sprinkler coverage to mitigate certain conditions such as access or water supply issues.

Section 903.3.1 is amended to read:

903.3.1 - Design Criteria. Fire sprinkler systems installed in buildings of undetermined use shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of three thousand square feet (3,000’ sq.). Where a subsequent occupancy change requires a system with greater capacity, it shall be the building owners’ responsibility to upgrade the system to the required density and meet any additional requirements of the Fire Code at the time of such change.

Section 903.3.7 is amended to read as follows:

903.3.7 - Fire Department Connections. The location of fire department connections (FDC’s) shall be within fifty feet (50’) of a fire hydrant or as approved by the Fire Code Official. Approved locking caps shall be provided on all newly installed FDC’s and on any existing FDC’s found to be vandalized.

Section 903.4 is amended to read as follows:

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

Section 903.4.2 is amended to read as follows:

903.4.2 - Alarms. One (1) exterior approved audible and visual device shall be
connected to every automatic fire sprinkler system in an approved location. Such
sprinkler water flow alarm devices shall be activated by water flow equivalent to
the flow of a single sprinkler of the smallest orifice size installed in the system.
Where a building fire alarm system is installed, actuation of the automatic fire
sprinkler system shall actuate the building fire alarm system.
Every new commercial fire alarm system installed as a sprinkler system
monitoring alarm, including those systems activated solely by fire sprinklers, shall
also function for the purpose of occupant notification, so that occupants of the
building shall be notified audibly and visually within each major suite or tenant
space. A minimum of one (1) notification device shall be located in each major
suite in a normally occupied location as determined by the Fire Code Official or
building division.

Section 905.3.1 is amended to read as follows:

905.3.1 - Building Height. Class I standpipes shall be installed in buildings three
stories or over in height and/or if, in the opinion of the Fire Chief, a hazard or
condition exists in which the installation of standpipes would improve firefighting
operations. Standpipes will be provided with approved outlets provided on each
floor level, including the roof when roof access is provided.

Section 905.9 exception 2 is deleted.

Section 907.8.5.1 is added to read as follows:

907.8.5.1 – Fire Alarm Service Stickers/Tags. Upon completion of each annual
fire alarm service, the fire alarm contractor providing the service shall affix a
sticker or tag to the main fire alarm panel which indicates the name of the fire
alarm company and the date of the service.
Section 907.10 is added to read as follows:

907.10 - False Fire Alarms. Owners of properties with a fire alarm system shall maintain the system in accordance with section 907.8. False alarm fees shall be assessed per the current adopted fee schedule.

CHAPTER 49 - REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

Section 4902.1 The following definition is amended to read as follows:

Wildland-Urban Interface Fire Area. The geographical area located within any Moderate, High or Very High Fire Hazard Severity Zone as recommended by the Cal Fire Director pursuant to Public Resource Code Sections 4201—4204 and Government Code Sections 51175—51189 or in a High Fire Hazard Severity Zone as identified by the Petaluma Fire and Resource Assessment Program (FRAP.)

Section 4906.2 is amended to read as follows:

4906.2 - Applicability. New buildings for which a building permit is submitted on or after January 1, 2011, that are located within any Moderate, High or Very High Fire Hazard Severity Zone as designated by the Director of Cal Fire or in any Moderate, High or Very High Fire Hazard Severity Zone as identified by the Fire Hazard Security Zone (FHSZ) map as defined in Section 17.20.020 of the Petaluma Municipal Fire Code shall comply with the following sections:

(a) Section 4907.1 2013 California Fire Code Defensible Space (moderate, high, very high);

(b) Section 705A, 2013 California Building Code = Roofing (moderate, high, very high);

(c) Section 706A, 2013 California Building Code = Vents (moderate, high, very high);

(d) Section 707A 2013 California Building Code = Exterior Covering (moderate, high, very high);

(e) Section 708A 2013 California Building Code = Exterior Windows and Doors (high, very high);

(f) Section 709A 2013 California Building Code = Decking (high, very high);

and

(g) Section 710A 2013 California Building Code = Accessory Structures (high, very high).
Section 4907.1 is amended to read as follows:

4907.1 - Defensible Space. The area within the perimeter of a parcel or development where Fire Hazard Severity Zones (FHSZ) is implemented, providing a key point of defense from any approaching fire. These areas are characterized (but not limited to) establishment and maintenance of emergency vehicle access, emergency water supplies, street names, building identification, and fuel modification measures.

Provisions for annual weed and brush abatement of the wildland-urban interface fire area and the developed area shall be the responsibility of the developer or property owner. A plan may be required that outlines the provisions for weed abatement and shall be prepared by the property owner and/or developer. When required, the plan shall include, but not be limited to, the following elements:

(a) A defensible space of thirty feet (30’) to one hundred feet (100’), depending on grade and other factors around all structures, either manmade or natural, in which material capable of allowing fire to spread unchecked must be cleared, treated or modified to slow the rate and intensity of an approaching wildfire.

(b) A ten-foot (10’) firebreak on each side of hillside roads or driveways used for emergency access; such firebreaks may be landscaped with fire resistive vegetation.

(c) Where required, fire breaks and/or disked trails up to thirty feet (30’) wide shall be identified on the plan and maintained throughout the fire season; the location of such breaks/trails shall be approved by the Fire Code Official.

(d) Other fire protection measures based on best management practices for wildfire exposure protection as required by the Fire Code Official.

Section 4907.2 is added to read as follows:

4907.2 - Ancillary Buildings and Structures. When required by the enforcing agency, ancillary buildings and structures and detached accessory structures shall comply with the provisions of this chapter.

CHAPTER 50 – HAZARDOUS MATERIALS

Section 5001.5.3 is added to read as follows:

5001.5.3 - Electronic Reporting. All Hazardous Material Management Plans (HMMP) and Hazardous Material Inventory Statements (HMIS) shall be submitted electronically in the California Electronic Reporting System (CERS) as
required by the Fire Code Official. All updates to HMMP and HMIS must be made in CERS.

CHAPTER 56 – EXPLOSIVES AND FIREWORKS

Section 5602 is hereby amended to add the following definitions:

5602 – Definitions

Affiliated Organization. For purposes of this Article, shall be presumed to be the following:

1. Organizations incorporated under the same charter or organization and their auxiliaries if the auxiliary is incorporated under the same charter;

2. Organizations sharing the same officers and/or place of meetings and/or national parent organization;

3. Subdivisions and/or fractional divisions however named or delineated of organizations;

4. Sub-organizations, one of whose primary purpose is to provide financial and/or manpower support to a parent nonprofit organization.

However, different organizations affiliated with and officially recognized by any elementary, junior high and/or high school and/or school district that serves, in whole or in part, the residents of the City of Petaluma or any public or private community college, college and/or university located within the boundaries of the City of Petaluma shall not be presumed to be "affiliated organizations" unless it can be shown that they serve the same interest area or concern (i.e., boosters of high school football and boosters of high school basketball would be presumed to be two different, non-affiliated organizations).

Dangerous Fireworks. Dangerous fireworks shall mean dangerous fireworks as defined in Health and Safety Code sections 12505 and 12561 and the relevant sections of Title 19, California Code of Regulations, Subchapter 6, which are hereby incorporated by reference.

Fireworks Booth. Fireworks booth shall mean any building, counter or other structure of a temporary nature used in the sale, offering for sale or display for sale of "safe and sane fireworks".

Nonprofit Organization. For the purposes of this Chapter, nonprofit organization shall mean any nonprofit association, charity or corporation organized primarily for veterans, patriotic, welfare, civic betterment, educational, youth development
or charitable purposes pursuant to Internal Revenue Code Sections 501 (c).3, 4, 6, 7, 8, 10, 19, 23, or 26, Section 501 (d), Section 501 (e); or which has been issued a tax-exempt certificate as required under the Revenue and Taxation Code of the State of California; or a group which is an integral part of a recognized national organization having such tax-exempt status; or a nonprofit organization affiliated with and officially recognized by an elementary, junior high and/or high school and/or school district that serves, in whole or in part, the residents of the City of Petaluma or public and/or private community college, college and/or university which is located within the boundaries of the City of Petaluma.

**Person.** Person shall mean a natural person or a legal entity that is also an owner, tenant, lessee and/or other person with any right to possession or control of the property where a violation of this code occurred.

**Piccolo Pete-Type Fireworks.** Piccolo Pete-type fireworks are "safe and sane fireworks" as defined in Health and Safety Code Section 12529 and 12562 and the relevant sections of Title 19, California Code of Regulations, Subchapter 6, which are hereby incorporated by reference. "Piccolo Pete-type fireworks" are also known and sometimes referred to and/or labeled as, and/or have substantially the same appearance and discharge characteristics as, but are not limited to: "Piccolo Pete," "Whistle Pete," "Nite Siren," "Whistling Phantom," "Screaming Willy" and "Whistling Pete".

**Principal and Permanent Meeting Place.** Principal and permanent meeting place shall mean a permanent structure, playing field, geographic area or service population which resides in or is located within the City of Petaluma.

**Public Display of Fireworks.** Public display of fireworks shall mean an entertainment feature where the public is admitted or permitted to view the display or discharge of fireworks by a licensed pyro-technician.

**Qualified Applicant.** Qualified applicant shall mean any group or organization which has met all of the following criteria for a continuous period of not less than one full year preceding submittal of an application for a permit to sell required by this Chapter and which continues to meet the criteria for the duration of any permit to sell issued by the City of Petaluma pursuant to this Chapter: A nonprofit organization as defined in this Chapter:

1. The organization must have its principal and permanent meeting place within the City;
2. The organization must be one which provides direct and regular community services and benefits to the residents of the City;

3. The organization must have a minimum bona fide membership of at least twenty (20) members who either reside in the City, are employed in the City or are owners or operators of a business or other establishment located in the City;

4. Neither the organization nor any of its officers and/or officials have been found by any court or City administrative process to be in violation of any civil or criminal local, state or federal law relating to fireworks within twenty-four calendar months prior to the organization's submittal of an application for a permit to sell;

5. The organization has not had a permit to sell fireworks revoked within twenty-four months prior to the organization's submittal of an application for a permit to sell.

**Responsible Person.** Responsible person shall mean a person who causes a violation of this Chapter to occur or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee or independent contractor causes a violation to occur, or allows a violation to exist or continue. There is a rebuttable presumption that the record owner of a residential parcel, as shown on the county's latest equalized property taxes assessment rolls, and a lessee of a residential parcel has a notice of any violation existing on said property. For purposes of this Chapter, there may be more than one responsible person for a violation. Any person, irrespective of age, found in violation of any provision of this Chapter may be issued a citation in accordance with the provisions of this Chapter. Every parent, guardian or other person, having the legal care, custody or control of any person under the age of eighteen (18) years, who knows or reasonably should know that a minor is in violation of this Chapter, may be issued a citation in accordance with the provisions of this Chapter; in addition to any citation that may be issued to the offending minor.

**State-Approved Fireworks.** State-approved fireworks shall mean "safe and sane fireworks" as defined in Health and Safety Code sections 12529 and 12562 and the relevant sections of Title 19, California Code of Regulations, Subchapter 6, which are hereby incorporated by reference. State-approved fireworks are also known, and sometimes referred to, as "safe and sane fireworks".

**Section 5609** is added to read as follows:

**5609 - Fireworks.** Except as hereinafter provided, it shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail or use or
explode any dangerous fireworks or explode any rocket, firecracker, Roman
candle, squib, torpedo, torpedo cane, wire core sparkler, wooden core sparkler,
black cartridge or other combustible device or explosive substance, or any kind of
fireworks or dangerous fireworks by whatsoever name known within the City of
Petaluma provided that the Fire Chief shall have power to adopt reasonable rules
and regulations for the granting of permits for supervised public displays of
fireworks by a public agency, fair association, amusement park or other
organization or for the use of fireworks by artisans in pursuit of their trade. Every
such use or display shall be handled by a competent operator approved by the Fire
Chief and shall be of such character and so located, discharged or fired as in the
opinion of the Fire Chief, after proper investigation, not to be hazardous to
property or endanger any person.

Exception: State-Approved Fireworks: It shall not be unlawful to possess or sell,
within the City, state-approved fireworks and/or safe and sane fireworks as
defined herein.

This section shall not apply to persons, businesses or entities licensed by the State
Fire Marshal as a wholesaler and/or import/export concern to legally possess or
sell fireworks, including those prohibited by this section, within the City for the
primary purpose of sale and distribution outside the City.

Notwithstanding any provision of this code, the City Council, upon advice of the
Fire Chief, may in any given fireworks sales year prohibit the sale and use of
state-approved fireworks and/or safe and sane fireworks when it is determined
that conditions exist in the City, including but not limited to fire weather events,
fuel moisture, drought, limitations on available firefighting forces and/or other
condition, that create an extreme danger to the public health and safety and/or life
and property of the residents, businesses and visitors of the City.

5609.1 - Fireworks — Conditions of Sales

(a) It is unlawful for any person, firm, corporation, association, or
organization to sell or offer for sale any fireworks within the City, except as
expressly permitted by this Ordinance.

(b) Time of Sale. Subject to the provisions of the State Fireworks Law
(California Health and Safety Code, Division 11, Part 2, Chapters 1-7, Health and
Safety Code Sections 12500-12801), and the provisions of this code, state-
approved fireworks, as defined in Section 12504 of the California Health and
Safety Code, may be sold within the City between the hours of 10:00 a.m. and
9:00 p.m. on June 30th, July 1st, July 2nd, July 3rd and July 4th. Pyrotechnic
displays may deviate from these restrictions subject to applicable provisions of
the California Health and Safety Code, and provided they are approved by the
Fire Chief or his designated representative.

(c) Permit Required. No person, firm, corporation, association, or
organization shall sell fireworks within the City unless they are a qualified
applicant and/or affiliated organization of a qualified applicant as defined in this
Chapter and have first obtained a permit therefore. Issuance of the permit shall
fulfill all municipal licensing requirements and fire safety conditions outlined by
the Fire Department. All permit applications shall be received in the Fire
Prevention Bureau by no later than the last day of May each year. No person,
firm, corporation, association or other organization, other than the qualified
applicant or its authorized representatives shall operate the booth for which the
permit is issued or share or otherwise participate in the profits of the operation of
such booth.

In addition to any fees established by resolution of the City Council for permit
application, processing, inspection and/or business licenses for any wholesale or
retail sales of state-approved fireworks, any qualified applicant for a permit for
wholesale sales of state-approved fireworks shall pay a non-refundable "Public
Education and Compliance" fee, in an amount to be established by resolution of
the City Council, to cover the City's costs for enhanced public education and
enforcement of the regulations governing state-approved fireworks set forth in
this section. The "Public Education and Compliance" fee shall also include the
costs associated with the cleanup and removal of fireworks debris left on public
rights-of-way, and all public properties such as City parks, City Hall and other
City facilities.

Nonprofit organizations licensed and permitted to sell state-approved fireworks in
the City are required to obtain a temporary sales tax permit from the local office
of the State Board of Equalization.

(d) Information Required on Permit. Each qualified applicant for such permit
shall file a written application with the Fire Prevention Bureau showing the
following information:

1. Name and address of qualified applicant.
2. Location where the qualified applicant proposes to sell fireworks.
4. Evidence that the qualified applicant meets the criteria specified in
   this code.
(e) Organization(s) Authorized to Sell. No permit to sell state-approved fireworks shall be issued to any person except the following.

1. Organizations or local community service associations which constitute qualified applicants and/or affiliated organizations of a qualified applicant, as defined in this Chapter.

(f) Determination of Eligibility by Fire Chief — Right of Appeal. The Fire Chief shall make a determination as to which organizations, including qualified organizations, meet the criteria specified in Section 5. Any aggrieved applicant may appeal the decision of the Fire Chief pursuant to Appendix Chapter 1, Section 108.1.

(g) Maximum Number of Permits to Sell. The maximum number of permits to sell state-approved fireworks shall not exceed eighteen (18)-booths. Any-person or organization which sold fireworks from an outdoor temporary fireworks booth in the City of Petaluma pursuant to a permit issued in 2013 shall be entitled to apply for a permit, and upon meeting all of the standards and conditions set forth in Section 5609.1 shall receive such permit. Only one (1) permit per organization will be allowed.

(h) Abandon Permits. Any previous permit holder who does not apply and obtain a permit for each consecutive year shall be deemed to have abandoned the right to such a permit. When a permit has been abandoned, the permit will not be reissued or transferred to a new vendor.

(i) Revocation of Permits. If a fireworks booth permit is revoked by the Fire Code Official because the permit holder failed to meet the standards and conditions set forth on the permit, the permit may be considered abandoned.

(j) Total Number of Booths Permitted for an Entity, Organization, or Group. Fireworks sales permits shall be limited to one (1) booth per qualified applicant. The purpose of limiting booths to one (1) per applicant is to allow a maximum number of entities, organizations or groups to participate in fireworks sales without creating an unfair advantage for one group over another.

(k) Assignment of Available Permits for the 2014 Fireworks Year. If the number of applications received up to and including the last day of May, 2014 exceeds the number of permits to be issued, the Fire Code Official shall forward a list of qualified applicants who did not hold permits to sell in the prior year to the City Clerk who shall, not later than the 5th day of June, supervise an impartial drawing to determine an order of priority for each application. Upon such
determination, the City Clerk shall forward to the Fire Code Official a list of applications, numbered in order of priority drawn for investigation and issuance. Permits may be issued in order of priority drawn to those on the list until the maximum of eighteen (18) booths is reached.

(l) Insurance Requirements as Condition of Sale. Each applicant for a permit shall file with the Bureau of Fire Prevention, prior to the issuance of any permit, a policy of public liability insurance with applicable coverage of a minimum of one million dollars ($1,000,000). No policy will be acceptable which contains a provision allowing for a deductible amount. The City, its officers, employees, agents and volunteers shall be named as additional insured on such insurance policy or certificate of insurance by a separate specific endorsement in a form acceptable to the City’s Risk Manager and City Attorney.

(m) Hold Harmless and Indemnification. The fireworks distributor and the nonprofit organization must agree in writing to indemnify, defend with counsel acceptable to the City of Petaluma (hereinafter “City”), and hold harmless City and its officers, officials, employees, agents and volunteers from and against any and all liability, loss, damage, claims, expenses and costs (including, without limitation, attorney’s fees and costs and fees of litigation) (collectively “Liability”) of every nature arising out of or in connection with the Permit including, but not limited to, any and all activities authorized, performed, allowed and/or required under the Permit, except such Liability caused by the sole negligence or willful misconduct of City.

(n) Authorization of Property Owner. The property owner(s) of record or their designated representative with authority to agree to the Applicant’s conduct of the sales/storage of fireworks on the identified property must acknowledge in writing that they have received and read the application for fireworks sales/storage from a State-Approved Fireworks Booth to be located on the property identified in the permit.

(o) Fireworks Booth — Restrictions on Sales.

1. No booth shall be located within twenty-five feet (25’) of combustible buildings and/or building openings (windows or doors) or within fifty feet (50’) of any flammable storage or within one hundred feet (100’) of any gasoline pump or distribution point. Location of booths is contingent upon approval from the Fire Chief or designated representative.

2. No booth shall have a floor area in excess of seven hundred fifty square feet (750’ sq.). Each booth shall have at least two (2) exits. Each booth in excess of forty feet (40’) in length shall have at least three (3) exits
spaced approximately equidistant apart; provided, however, that in no case shall the distance between the exits exceed twenty-four feet (24'). Exit doors shall not be less than twenty-four inches (24") wide and six feet (6') in height and shall swing in the direction of exit travel.

3. All weeds and combustible materials shall be cleared in and around booth for a distance of at least twenty feet (20').

4. "No Smoking" signs shall be posted on the booths. No smoking shall be allowed within any fireworks booth.

5. No person under eighteen (18) years of age shall sell or participate in the sale of state-approved fireworks at such booth. No person under eighteen (18) years of age shall be permitted inside the booth during hours of operation. Each booth must have an adult in attendance and in charge of operations whenever the booth contains, or is engaged in the sale of, fireworks. The permit holder is solely responsible for ensuring the presence of said adult. For the purpose of this section, the term "adult" shall mean any person so defined under California law.

6. All unsold stock shall be removed from the booth and located in an approved area immediately after close of business on each and every day of operation.

7. All litter shall be removed on a daily basis.

8. The booth shall be removed from the temporary location and all litter shall be removed by 12:00 noon on July 8th.

9. All retail sales of state-approved fireworks shall be permitted only from within a temporary booth. Sales from any other building or structure are prohibited.

10. Approved banners or other barricades to prohibit parking within twenty feet (20') of the booth shall be provided.

11. No electrical devices or open flames are permitted within any booth.

Exception: A single electronic cash register is permitted in the booth. Power for device shall be provided by a heavy duty type electric extension cord with a minimum of fifteen (15) amp rating. There shall be no signs of mechanical damage, fraying or exposed wire insulation to the cord. Approval of extension cord subject to inspection by the fire inspector.

12. Signs must be posted on each booth stating "No fireworks permitted in the unincorporated areas of Sonoma or Marin Counties".
13. No person shall knowingly sell fireworks to any person under eighteen (18) years of age. Proof that the fireworks booth permit holder demanded, was shown, and acted in reliance upon, bona fide evidence of age and identity in any sale of fireworks prohibited by this section shall be a defense to any proceedings for suspension or revocation of the permit holder’s state-approved fireworks permit or a criminal proceeding instituted by the City against the permit holder for violations of this section. For purposes of this section bona fide evidence of age and identity of purchaser shall mean a document issued by a federal, state, county or municipal government which contains a photograph and date of birth of the purchaser including, but not limited to, a valid California Driver’s License or Identification Card issued to a member of the Armed Forces. Signs shall be posted in conspicuous places on and in the booth indicating “No Fireworks Sales to Persons Under the Age of 18 - Photographic I.D. Required”.

14. No person shall sleep or remain in any fireworks booth after close of business each day or at any time when the booth is closed for business.

15. A fireworks booth need not comply with the provisions of the Building Code of the City of Petaluma; provided, however, that every fireworks booth shall be erected under the supervision of the Fire Chief who shall require that the fireworks booth be constructed in a manner which will reasonably ensure the safety of attendants and patrons.

16. Each fireworks booth shall be provided with a minimum of one (1) model 2A10BC fire extinguisher and one (1) 5-gallon pressure water fire extinguisher, in good working order and easily accessible for use in case of fire.

17. No person shall smoke within twenty-five feet (25') of any safe and sane fireworks booth. No person shall light, cause to be lighted or permit to be lighted any fireworks or combustible material within fifty feet (50') of any state-approved fireworks booth.

(p) Limitations on Places and Hours of Discharge.

1. It shall be unlawful for any person to discharge any state-approved fireworks in the City except between the hours of 10:00 a.m. to 11:00 p.m. on July 4th.

2. It shall be unlawful for any person to ignite, discharge, project or otherwise fire or use, any state-approved fireworks or permit the ignition,
discharge or projection thereof, upon or over or onto the property of another
without the property owner’s consent or to ignite, discharge, project or
otherwise fire or make use of any state-approved fireworks within ten feet
(10') of any residence, dwelling or other structure listed as a place of
habitation by human beings.

3. The use of state-approved fireworks in the City shall be limited to
private property except as otherwise provided herein. No person shall ignite
or discharge any state-approved fireworks on private open areas such as
parks, parking lots or vacant property, without the property owner’s or his or
her designated agent’s permission. No person shall ignite or discharge any
state-approved fireworks on public or semi-public open areas such as parks,
parking lots or vacant property, excluding public streets and sidewalks,
except as authorized by the Director of Parks and Recreation and the Fire
Department, and, if applicable, the private property owner or his or her
designated agent.

4. Any person who discharges state-approved fireworks on public or
private property shall be responsible for the removal of all spent fireworks
debris and litter or rubbish associated with the discharge of fireworks, and
for disposition thereof in an appropriate trash receptacle. Spent fireworks
debris shall be allowed to cool for at least thirty (30) minutes or immersed in
water before discarding to a trash receptacle.

5. No state-approved fireworks shall be discharged in the Fire Hazard
Severity Zones (FHSZs) of the City, as established and approved by the
Petaluma Fire Department with the assistance of the California Department
of Forestry and Fire Protection and within the boundaries set forth on the
FHSZ map as defined in Section 17.20.040 of the Petaluma Municipal Code
and kept on file in the Fire Code Official’s Office. All fireworks booths
shall post a notice of such fireworks ban and a map designating the FHSZ
restrictions, in the form provided by the Fire Code Official’s office. Booth
operators shall advise persons purchasing state-approved fireworks to
review the notice and map and advise them of the fireworks restrictions in
the FHSZ.

6. Supervision of minors. It shall be unlawful for any person having the
care, custody or control of a minor (under eighteen (18) years of age) to
permit such minor to discharge, explode, fire or set off any dangerous,
illegal fireworks at any time, or to permit such minor to discharge or set off
any state-approved fireworks unless such minor does so under the direct
supervision of a person over eighteen (18) years of age and during the hours
and on the day permitted by this section.

(q) Qualified Applicant Reporting Requirement. On or before November 1st of
any sales year for which a qualified applicant received a sale permit, the qualified
applicant shall submit to the Fire Code Official a financial statement by the
treasurer or financial officer of the qualified applicant setting forth the total gross
receipts from the fireworks stand operated by the qualified applicant; all expenses
incurred and paid in connection with the purchase of fireworks and the sale thereof;
and to whom and for what purpose the net proceeds were or will be disbursed,
along with the most recent report filed by the qualified applicant with the State
Board of Equalization. The filing of the statement required by this section with the
City shall be a condition precedent to the granting of any subsequent permit, and a
permit holder which fails to file such statement shall not be considered a qualified
applicant in any year subsequent to its failure to file. This shall be considered an
abandonment of the qualified applicants permit.

(r) Any permit issued under this section may be revoked by the Fire Chief in
case of any violation of this section or any terms or conditions of the permit. The
City Council may revoke said permit(s) and/or prohibit fireworks sales at any time
it deems necessary to protect the health, safety and welfare of the citizens of the
City.

Section 5609.1.1 is hereby added to read as follows:

5609.1.1 - Reports to Council.

(a) On an annual basis, before June 15th of each calendar year, the Fire
Department will prepare and provide to the City Council an education and
enforcement plan. The plan will include the following:

1. Education and enforcement program to be implemented in a given
year; and

2. Other relevant information deemed necessary by the Fire Code
Official to provide an overview of the City’s experience in fireworks
enforcement relevant to that year’s education and enforcement programs.
(b) By no later than the last day of September, annually, the Fire Code Official will provide to the City Council a fireworks after-action report. The report will include the following:

1. An evaluation of the success or failure of the education and enforcement plan; and

2. Relevant incident statistics for the period of June 17 through July 16th.

(c) All information and records which are otherwise exempt from public disclosure pursuant to the Public Records Act will remain exempt from disclosure, despite inclusion of any such information and/or records in an education and enforcement plan and/or after-action report in order to avoid any unintended effect on public safety operations.

Section 5609.2 is hereby added to read as follows:

5609.2 - Prohibition of Sale and Use of Fireworks. It is unlawful for any person, firm, corporation, association, organization or entity to sell or offer for sale any fireworks within the City except as expressly permitted by this Ordinance. It is unlawful for any person, firm, corporation, association, organization or entity to use any fireworks within the City except as expressly permitted by this Ordinance.

Section 5609.3 is hereby added to read as follows:

5609.3 - Storage of Fireworks. The storage and use of fireworks inside buildings is prohibited.

Exceptions: State-approved fireworks purchased by the public for individual or family use.

Section 5609.3.1 is hereby added to read as follows:

5609.3.1 - Storage of State-Approved Fireworks-Retail. The storage of state-approved fireworks by those conducting retail sales shall be in a non-combustible container or magazine as approved by the Fire Code Official. The location of said storage shall be within the City limits of Petaluma and be approved by the Fire Code Official.
Section 5609.3.2 is hereby added to read as follows:

5609.3.2 - Prohibition Against Modification and Discharge of State-Approved Fireworks. No person shall modify, tamper with, disassemble, rearrange and/or combine the contents or original packaging of any state-approved firework, nor in any way remove the original packaging labels.

Section 5609.3.2.1 is hereby added to read as follows:

5609.3.2.1 - Prohibition Against Possession, Use, Display or Discharge of Modified State-Approved Fireworks. No person shall possess, use, display, discharge or explode any state-approved firework that has been tampered with, disassembled and/or rearranged, nor shall any person possess, use, display, discharge, explode or combine the contents of multiple state-approved fireworks or combine, tape or change the originally intended purpose of state-approved fireworks.

Section 5609.3.2.2 is hereby added to read as follows:

5609.3.2.2 - Prohibition Against Sale and Discharge of Piccolo Pete-Type Fireworks.

(a) Notwithstanding the provisions of Section 3309.2, no person shall sell, use, distribute, give away or discharge, at any time, on any day, any "Piccolo Pete-type firework" or any firework having substantially the same appearance and discharge characteristics as any of these. Additionally, any retail sale, gift, or donation of any "Piccolo Pete-type firework" (or any firework having substantially the same appearance and discharge characteristics as any of these) shall be a violation of this section.

(b) Except as otherwise provided herein, it shall be lawful for any person to possess and/or transport any "Piccolo Pete-type firework" within the City of Petaluma.

(c) This section shall not apply to persons, businesses or entities licensed by the State Fire Marshal as a wholesaler and/or import/export concern to legally possess or sell fireworks, including those prohibited by this section, within the City for the primary purpose of sale and distribution outside the City.
APPENDIX B—FIRE-FLOW REQUIREMENTS FOR BUILDINGS

Section B105.1 is amended to read as follows:

B105.1 - One- and Two-Family Dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m²) shall be 1500 gallons per minute (5678.11 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5 m²) shall not be less than that specified in Table B 105.1 of the 2013 California Fire Code.

Section B105.2 is amended to read as follows:

B105.2 - Buildings Other Than One- and Two-Family Dwellings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

Exceptions: A reduction in required fire-flow of up to fifty percent (50%), as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with other sections of this code. The resulting fire flow shall not be less than fifteen hundred gallons per minute (1,500 gpm) for the prescribed duration as specified in Table B105.1.

APPENDIX C—FIRE HYDRANT LOCATIONS AND DISTRIBUTION

Section C105.1 is amended to read as follows:

C105.1 - Hydrant Spacing. The average spacing between fire hydrants shall not exceed that listed in Table C105.1.

Exceptions: The Fire Chief is authorized to allow deviations from this section where existing fire hydrants provide all or a portion of the required fire hydrant service.

Table C105.1 of Appendix C: Footnotes (f) and (g) are added to read as follows:

(f) For commercial, industrial and multifamily residential dwellings, average spacing shall be no greater than three hundred feet (300').

(g) A fire hydrant shall be located within fifty feet (50') of the FDC, or as approved by the Fire Code Official.
APPENDIX D – FIRE APPARATUS ACCESS ROADS

Section D103.2 is amended to read as follows:

D103.2 - Grade. The grade of fire apparatus access roads shall be in accordance with the City of Petaluma standards for public streets or as approved by the Fire Chief.

Section D103.3 is hereby amended to read as follows:

D103.3 - Turning Radius. The minimum turning radius shall be determined by the Fire Code Official or as approved by local standards.

Section D103.4 is amended to read as follows:

D103.4 - Dead Ends. Dead-end fire apparatus access roads in excess of one hundred fifty feet (150') (45.720 m) shall be provided with width and turnaround provisions in accordance with the local agency requirements for public streets or as approved by local standards.

Table D103.4 is deleted in its entirety.

Section D103.6 is amended to read as follows:

D103.6 - Signs. Where required by the Fire Code Official, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with the California Vehicle Code and fire department standards.

Section D104.2 is amended to delete the exception and read as follows:

D104.2 - Buildings Exceeding 62,000 Square Feet in Area. Buildings or facilities having a gross building area of more than 62,000 square feet (5,760 m²) shall be provided with two (2) separate and approved fire apparatus access roads.

Section D106.1 is amended to delete the exception and read as follows:

D106.1 - Projects Having More Than Fifty (50) Dwelling Units. Multiple-family residential projects having more than fifty (50) dwelling units shall be provided with two (2) separate and approved fire apparatus access roads.

Section D106.2 is hereby deleted.
Section D107.1 is amended to delete exceptions 1 and 2 and read as follows:

D107.1 - One- or Two-Family Dwelling Residential Developments. Developments of one- and two-family dwellings where the number of dwelling units exceeds fifty (50) shall be provided with two (2) separate and approved fire apparatus access roads and shall meet the requirements of section D104.3.

SECTION 6: Section 17.20.060 of the Petaluma Municipal Code is hereby added to read as follows:

17.20.060 - New Materials, Processes or Occupancies Which May Require Permits. The City Manager, the Fire Chief and the Fire Code Official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in this code. The Fire Code Official shall post such list in a conspicuous place at the Fire Prevention Bureau and distribute copies thereof to interested persons.

SECTION 7: If any part of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision will not affect the validity of the remaining parts of this Ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this Ordinance and each of its provisions irrespective of any part being held invalid.

SECTION 8: The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines because the activity has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) of the CEQA Guidelines because the activity is not a project as defined in Section 15378) of the CEQA Guidelines.

SECTION 9: This Ordinance will become effective thirty days after the date of its adoption by the Petaluma City Council; however, the provisions of this Ordinance will not become operative until January 1, 2014, at the same time that the 2013 Edition of the California Building Standards Code takes effect.

SECTION 10: In accordance with California Health and Safety Code Section 17958.7, the City Clerk is hereby directed to file this Ordinance and the attached findings of fact with the California Building Standards Commission prior to the effective date of this Ordinance specified above.
SECTION 12: The City Clerk is hereby directed to post and/or publish this Ordinance or a synopsis for the period and in the manner required by the City Charter.

INTRODUCED and ordered posted/published this ____ day of _______________, 2013.

ADOPTED this ____ day of _______________, 2013 by the following vote:

AYES:

NOES:

ABSENT:

________________________________________________________________________
David Glass, Mayor

ATTEST:  APPROVED AS TO FORM:

________________________________________________________________________
Claire Cooper, City Clerk  Eric Danly, City Attorney
EXHIBIT “A”

FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS TO THE CALIFORNIA FIRE CODE, 2013 EDITION WITH CALIFORNIA AMENDMENTS, DUE TO LOCAL CONDITIONS

CHANGES OR MODIFICATIONS: Pursuant to Section 17958 of the State of California Health and Safety Code, the governing body of the City of Petaluma in its Ordinance adopting and amending the 2013 Edition of the California Fire Code, changes or modifies certain provisions of the California Building Standards Code as it pertains to the regulation of buildings used for human habitation. A copy of the text of such changes or modifications is attached.

FINDINGS: Pursuant to Sections 17958.5 and 17958.7(a) of the State of California Health and Safety Code, the governing body of the City of Petaluma has determined and finds that all the attached changes or modifications are needed and are reasonably necessary because of local climatic, geological and topographic conditions as discussed below.

LOCAL CONDITIONS: Local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage and (3) the potential for life and property loss, making the changes or modifications in the California Fire Code and the State Building Standards Code necessary in order to provide a reasonable degree of property security and fire and life safety in the City of Petaluma.

Below are adverse local climatic, geological and topographic conditions that necessitate the modifications to the California Fire Code and California Building Standards Code.

CLIMATIC (a)

Precipitation: Precipitation ranges from twenty inches (20") to approximately twenty-five inches (25") per year. Approximately ninety percent (90%) falls during the months of November through April and ten percent (10%) from May through October. Severe flooding occurred during the months of January and March, 1995 and in 1998 and 2006.

Relative Humidity: Humidity generally ranges from fifty percent (50%) during daytime and eighty-six percent (86%) at night. It drops to twenty percent (20%) during the summer months and occasionally drops lower during the months of September through November.

Temperatures: Temperatures have been recorded as high as 104 degrees Fahrenheit. Average summer highs are in the 78-85 degree range.
Winds: Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5-15 mph range, gusting to 7.5-30 mph, particularly during the summer months. Extreme winds, up to 50-mph, have been known to occur.

Summary: These local climatic conditions affect the acceleration, intensity, and size of fires 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 shingle roof fires and conflagrations. The winds experienced in this area also adversely impact structure fires in buildings in close proximity to one another. Winds can carry sparks and burning branches to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building and create a blowtorch effect, in addition to preventing natural ventilation and cross-ventilation efforts. Petaluma’s downtown and surrounding areas contain numerous historic and older buildings that are located very close together, which exacerbates the fire danger from dry conditions, wind, and shake/shingle roofs.

TOPOGRAPHIC (b)

The topographic fire environment of a community is primarily the combination of two factors: the area’s physical geographic characteristics and the historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determine the areas’ fire protection needs.

The basic geographical boundaries of the City include hills to the south and west, and valley floor in the central area and to the north and east. The Petaluma River bisects the City through the central area. The City of Petaluma covers thirteen (13) square miles and contains an urban population estimated at 58,000. The City’s service area is a conglomeration of bay, plains, hills, valleys, and ridges. Currently, within the City, are three (3) fire stations and fifty-three (53) fire personnel (58 when fully staffed). Because of the size of the City of Petaluma, the characteristics of the fire environment changes from one location to the next. For example, the central downtown area contains older buildings situated close together, which increases the ability of fire to spread from one building to the next. In contrast, some of the properties on the outlying hills are far apart, but contain large grassy acreages that promote quickly-spreading wildfires during the long dry season.

The City’s development pattern also contributes to its unique fire protection needs. Development has traditionally occurred on the flat lands (0–5% slope) in the central and eastern portions of the City. However, over the last ten (10) years, development has spread into the hills and the smaller valleys and canyons. This development has significantly increased the service area for the City’s fire department and has added complicated logistical challenges for getting fire equipment to remote fires or fires on steep hillsides. The majority of the hillsides in these
areas have slopes ranging from 15 - 30%. As a basic rule of thumb, the rate of spread will double as the slope percentage doubles, all other factors remaining the same.

The local vegetation further contributes to fire dangers in the City. Petaluma's semi-arid Mediterranean-type climate produces vegetation similar to that of most of Sonoma County. In the long periods of the year with little or no rain (April through October), this vegetation provides ready fuel for fast-spreading wildfires.

Moreover, some of the structures in the City have combustible wood-shingle or shake roofs. This very flammable material is susceptible to ignition by embers from a wild land fire, furthering the spread of fire to adjacent buildings.

**GEOLOGICAL (c)**

The above local topographic conditions enhance the magnitude, exposure, accessibility problems, and fire hazards presented to the City of Petaluma. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

The relatively young geological processes that have created the San Francisco Bay Area are still active today. Two (2) active earthquake faults (San Andreas and Hayward-Rodgers Creek) affect the Petaluma area. Approximately fifty percent (50%) of the City's land surface is in the high-to-moderate seismic hazard zones.

The majority of the City's industrial complexes are located in the highest seismic risk zones. The highest seismic risk zone also contains the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number of people, should a significant seismic event occur. The City's resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for fires in smaller single-dwellings and structures.

Other variables that may intensify the fire danger after a major seismic event include:

- The extent of damage to the water system;
- The extent of isolation due to bridge and/or freeway overpass collapse;
- The extent of roadway damage and/or amount of debris blocking the roadways;
- Climatic conditions (hot, dry weather with high winds);
- Time of day, which will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- The availability of timely mutual aid or assistance from neighboring departments, which will likely have similar emergencies at the same time; and
- The large portion of dwellings with wood shingle roof coverings, which will increase the likelihood of conflagrations.
CONCLUSION

Local climatic, geological and topographic conditions impact fire protection efforts, and the frequency, spread, acceleration, intensity and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is reasonably necessary that the California Fire Code be changed or modified to mitigate the effects of the above conditions.

Furthermore, California Health & Safety Code (CH&SC) Section 17958.7 requires that the modification or change to which findings refer be expressly marked and identified. Therefore, the following table provides code sections that will be modified by this Ordinance which are building standards as defined in CH&SC Section 18909, and the associated referenced conditions for modification due to local climatic, geologic and topographical conditions.

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