

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2022 CALIFORNIA FIRE CODE AND THE APPENDICES THERETO, ADOPTING THE 2022 CALIFORNIA BUILDING STANDARDS CODE (TITLE 24, PART 9 OF THE CALIFORNIA CODE OF REGULATIONS), ADOPTING THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS, AND AMENDING CHAPTER 15.28 OF THE NATIONAL CITY MUNICIPAL CODE

The City Council of the City of National City does ordain as follows:

Section 1. The City Council of the City of National City hereby adopts the 2022 California Fire Code, the 2022 California Building Standards Code (Title 24, Part 9 of the California Code of Regulations), and the Appendices thereto, and the National Fire Protection Association Standards except as amended in Chapter 15.28 of the National City Municipal Code.

Section 2. The City Council finds that, consistent with their findings adopted in 2013 under Ordinance No. 2019-2467, which findings are incorporated herein by reference, the amendments being made in this Chapter 15.28 are reasonably necessary because of local climatic, geological, or topographical conditions: namely, that the age of structures, separation and density create an increased risk of conflagration meriting more stringent standards. A copy of this ordinance shall be filed with the Office of the State Fire Marshal and the State Building Standards Commission. This action is taken pursuant to Health and Safety Code sections 17958.7 and 18941.5.

Section 3. The City Council of the City of National City hereby amends and deletes certain sections of the 2022 California Fire Code, based on local climatic, topographic, or geological conditions that justify deviating from that Code.

Section 4. The City Council of the City of National City hereby amends Title 15, Chapter 15.28 of the National City Municipal Code to read as follows:

**CHAPTER 15.28
CALIFORNIA FIRE CODE**

Sections:

- 15.28.002 Findings and declarations.
- 15.28.010 2022 California Fire Code - Adopted and Amended.
- 15.28.020 Establishment and duties of fire prevention bureau.
- 15.28.030 Definitions.
- 15.28.035 Chapter 55 "Cryogenic Fluids," Section 5504 "Storage," Subsection 5504.3 "Outdoor storage" - Amended.

- 15.28.040 Chapter 57 "Flammable and Combustible Liquids," Section 5704 "Storage," Subsections 5704.2.9.6.1 and 5706.2.4.4 "Locations where above-ground tanks are prohibited" - Amended.
- 15.28.050 Chapter 61 "Liquefied Petroleum Gases," Section 6104 Location of LP-Gas Containers," Subsection 6104.2 "Maximum capacity within established limits" - Amended.
- 15.28.060 Chapter 56 "Explosives and Fireworks," Section 5601 General" - Amended.
- 15.28.070 (Reserved)
- 15.28.080 Chapter 1 "Scope and Administration," Division II" Administration," Section 102.7 "Referenced Codes and Standards" - Amended.
- 15.28.085 Chapter 3 "General Requirements," Section 307 "Open Burning, Recreational Fires and Portable Outdoor Fireplaces, Subsection 307.4.1 "Bonfires" - Amended.
- 15.28.090 Chapter 3 "General Requirements," Section 307 "Open Burning, Recreational Fires and Portable Outdoor Fireplaces," Subsection 307.4.2 "Recreational Fires" - Amended.
- 15.28.100 Chapter 10 "Means of Egress," Section 1013 "Exit Signs," Subsection 1013.6.1 "Graphics" - Amended.
- 15.28.110 Chapter 57 "Flammable and Combustible Liquids," Section 5704 "Storage," Subsection 5704.3.3.9 "Idle Combustible Pallets" - Amended.
- 15.28.120 Chapter 5 "Fire Service Features," Section 503 "Fire Apparatus Access Roads," Subsection 503.2.7 "Grade," and Appendix Section D103.2 "Minimum Specifications," Subsection D103.2 "Grade" - Amended.
- 15.28.130 Chapter 5 "Fire Service Features," Section 503 "Fire Apparatus Access Roads," Subsection 503.6 "Security gates" - Amended.
- 15.28.140 Chapter 1 "Scope and Administration," Division II "Administration," Section 109, "Board of Appeals", Subsection 109.1, "Board of Appeals established" - Amended
- 15.28.150 New materials, processes or occupancies, which may require permits.
- 15.28.160. Chapter 1 "Scope and Administration, " Division II "Administration," Section 105 "Permits," Subsection 105.3.1 "Expiration" - Amended
- 15.28.170 Penalties.

15.28.002 Findings and declarations. The City Council of the City of National City, does specifically and expressly find and declare that the nature and uniqueness of the dry Southern California climate, and the geographical and topographical conditions in the City of National City do reasonably necessitate and demand specific changes in and variations from the 2022 California Fire Code, which are noted in and made part of this chapter as authorized by Health and Safety Code Sections 17958.7 and 18941.5. These conditions result from the age and concentration of structures and the increased risk of conflagration spread as a result.

15.28.010 2022 California Fire Code - Adopted and amended. There is adopted by the City Council of the City of National City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion and establishing a fire prevention bureau, the 2022 California Fire Code, and the appendices thereto , including both Administration Divisions I and II, published by the International Code Council and the California Building Standards Commission, and the National Fire Protection Association Standards (current edition) published by the National Fire Protection Association , save and except such portions as are hereinafter deleted, added, or amended . Within this chapter, those codes may be collectively referred to as the California Fire Code. One copy of this adopted code is on file in the office of the fire marshal of the City of National City. The code is adopted and incorporated as fully as if set out as length herein, and from the date on which this chapter shall take effect, shall be controlling within the limits of the City of National City.

A.28.20 Establishment and duties of fire prevention bureau.

- A. The California Fire Code shall be enforced by the fire prevention bureau in the fire department in the City of National City, which is established and shall be operated under the supervision of the chief of the fire department.
- B. The battalion chief/fire marshal in charge of the fire prevention bureau shall be appointed by the chief of the fire department of the City of National City.
- C. The director of emergency services may detail members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the city manager of National City the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the same position.

15.28.030 Definitions.

- A. The word "jurisdiction" used in the 2022 California Fire Code means the City of National City.
- B. Whenever the words "chief of the bureau of fire prevention" are used in the California Fire Code, they shall be held to mean the fire marshal of the City of National City.
- C. Where reference to the Uniform Building Code, or Building Code, or any Nationally Recognized Standard is made, it means the currently adopted edition.
- D. Where the word "Administrator" is used in the California Fire Code, it shall be held to mean the city council of the City of National City. Whenever the term "City" is used, it means the City of National City.
- E. Where the term "corporation counsel" is used in the California Fire Code, it shall be held to mean the city attorney for the City of National City.
- F. "Fire authority having jurisdiction (FAHJ)" means the designated entity providing enforcement of fire regulations as they relate to planning, construction, and development. This entity may also provide fire suppression and other emergency services.
- G. Whenever the term "this code" is used, it means the 2022 California Fire Code as modified by the City of National City with the deletions, amendments, and additions contained in this chapter.
- H. Whenever the terms "chief", "fire chief", "chief of the fire department" are used, they mean the "director of the department of emergency services ".

15.28.035 Chapter 55 "Cryogenic Fluids," Section 5504 "Storage," Subsection 5504.3 "Outdoor storage" – Amended. Subsection 5504.3 of the 2022 California Fire Code is amended to read as follows:

5504.3 The Establishment of Limits for Storage of Flammable Cryogenic Fluids. The storage of flammable cryogenic fluids is prohibited in all areas within the City limits of National City, except within the following zones as established by the National City Land Use Code: MM and IM; Medium Manufacturing; MH and IH; Heavy Manufacturing ; MT-Tidelands Manufacturing .

15.28.040 Chapter 57 "Flammable and Combustible Liquids," Section 5704 "Storage," Subsections 5704.2.9.6.1 and 5706.2.4.4 "Locations where above-ground tanks are prohibited" - Amended. Subsections 5704.2 .9.6.1 and 5706 .2.4.4 of the 2022 California Fire Code are amended to read as follows:

5704.2.9.6.1, 5706.2.4.4 All areas within the city limits of the City of National City except for those areas zoned commercial or manufacturing, as established, defined, and set under the zoning regulations in Title 18 of the National City Municipal Code.

15.28.050 Chapter 61 "Liquefied Petroleum Gases," Section 6104 "Location of LP- Gas Containers." Subsection 6104.2 "Maximum capacity within established limits" – Amended. Subsection 6104.2 of the 2022 California Fire Code is amended to read as follows:

6104.2 All areas within the city limits of the City of National City, except for those areas zoned commercial or manufacturing, as established, defined, and set under zoning regulations in Title 18 of the National City Municipal Code.

15.28.060 Chapter 56 "Explosives and Fireworks," Section 5601 - Amended. Section 5601 of the 2019 California Fire Code is amended to read as follows:

5601 The permanent storage of explosives and/or fireworks shall be strictly prohibited within the city limits of the City of National City. Temporary storage may be allowed, by permit, during setup for excavation, demonstration, or other use, when in the opinion of the fire marshal, there are significant measures in place to ensure public safety.

15.28.070 (Reserved)

15.28.080 Chapter 1 "Scope and Administration," Division II "Administration," Subsection 102.7 "Referenced Codes" and Standards" - Amended. Subsection 102.7 of the 2022 California Fire Code is amended to read as follows:

102.7 The codes, standards, and publications adopted and set forth in this code, including other codes, standards and publications referred to therein are, by title and their most current edition, hereby adopted as standard reference documents of this code. When this code does not specifically cover any subject related to building design and construction, recognized fire engineering practices shall be employed. The National Fire Codes and the Fire Protection Handbook of the National Fire Protection Association are permitted to be used as authoritative guides in determining recognized fire-prevention engineering practices.

15.28.085 Chapter 3 "General Requirements," Section 307 "Open Burning, Recreational Fires and Portable Outdoor Fireplaces," Subsection 307.4.1 "Bonfires" - Amended. Subsection 307.4.1 of the 2022 California Fire Code is amended to read as follows:

307.4.1 Bonfires. Bonfires are strictly prohibited within the City Limits.

15.28.090 Chapter 3 "General Requirements." Section 307 "Open Burning, Recreational Fires and Portable Outdoor Fireplaces," Subsection 307.4.2 "Recreational Fires" - Amended. Subsection 307.4.2 of the 2022 California Fire Code is amended to read as follows:

307.4.2 Recreational Fires. Recreational Fires are strictly prohibited within the City limits.

15.28.100 Chapter 10 "Means of Egress," Section 1013 "Exit Signs." Subsection 1013.6.1 "Graphics" - Amended. Subsection 1013.6.1 of the 2022 California Fire Code is amended to read as follows:

1013.6 .1 Graphics. Every exit sign and directional exit sign shall have plainly legible letters not less than 6 inches (152 mm) high with the principal strokes of the letters not less than 0.75 inch (19.1 mm) wide. The word "EXIT" shall have letters having a width not less than 2 inches (51 mm) wide, except the letter "I," and the minimum spacing between letters shall not be less than 0.375 inch (9.5 mm). Signs larger than the minimum established in this section shall have letter widths, strokes, and spacing in proportion to the height.

The word "EXIT" shall be green in color and in high contrast with the background and shall be clearly discernible when the means of exit sign illumination is or is not energized. If a chevron directional indicator is provided as part of the exit sign, it shall be green in color, the construction shall be such that the direction of the chevron directional indicator cannot be readily changed.

15.28.110 Chapter 57 "Flammable and Combustible Liquids," Section 5704 "Storage," Subsection 5704 .3 .3 .9 "Idle Combustible Pallets" - Amended. Subsection 5704.3 .3.9 of the 2022 California Fire Code is amended to read as follows:

Idle Combustible Pallets. The storage of empty wooden or plastic pallets is prohibited, except as follows:

1. Outdoor Storage. Pallets may be stored outside of a building or in a detached building. Pallets shall not be stacked closer than 5 feet from any building.
2. Indoor Storage. Pallets shall not be stored indoors unless the premises are protected with an automatic fire sprinkler system in accordance with NFPA Standard 13, section titled Protection of Idle Pallets, except when both of the following conditions are met:
 - a. Pallets are stored no higher than 6 feet.
 - b. Each pallet pile of no more than 4 stacks shall be separated from other pallet piles by at least 8 feet of clear space and 25 feet from any commodity.

15.28.120 Chapter 5 "Fire Service Features," Section 503 "Fire Apparatus Access Roads," Subsection 503.2 .7 "Grade." and Appendix Section 0103.2 "Minimum Specifications." Subsection 0103.2 "Grade" – Amended. Subsection 503.2.7 and Appendix Subsection 0103.2 of the 2022 California Fire Code are amended to read as follows:

503.2 .7 and Appendix Subsection 0103 .2 Grade. The maximum permitted gradient for a fire apparatus access road shall not exceed 15%.

15.28.130 Chapter 5 "Fire Service Features." Section 503 "Fire Apparatus Access

Roads," Subsection 503 .6 "Security Gates" - Amended. Subsection 503.6 of the 2022 California Fire Code is amended as follows:

503.6 All gates or other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet standards approved by the Chief and receive Specific Plan Approval.

All automatic gates across fire access roadways and driveways shall be equipped with an approved key-operated switches overriding all command functions and opening the gate(s). Gates accessing more than four residences or residential lots, or gates accessing hazardous institutional, educational or assembly occupancy group structures, shall also be equipped with an approved emergency traffic control-activating strobe light sensor(s), or other devices approved by the Chief, which will activate the gate on the approach of emergency apparatus with a battery back-up or manual mechanical disconnect in case of power failure.

All automatic gates must meet fire department policies deemed necessary by the Chief for rapid, reliable access.

15.28.140 Chapter 1 "Scope and Administration." Division II "Administration." Section 111. "Means of Appeals", Section 111. 1. "Means of Appeals established" - Amended. Subsection 111.1 of the 2022 California Fire Code is amended as follows:

111.1 In order to hear and decide appeals of orders, decisions, or determinations made by the Fire Marshal relative to the application and interpretation of this code, the City Council shall appoint an ad hoc Board of Appeals consisting of three (3) members who are qualified by experience and training to pass judgment on matters pertaining to hazards of fire, explosions, hazardous conditions and/or fire protection systems, and are not employees of the City. Board members shall serve at the pleasure of the City Council.

The board shall comply with Rosenberg's Rules of Order in conducting their business and shall render written decisions and findings to the appellant with a copy to the Fire Marshal. The Fire Marshal shall take immediate action in accordance with the decision of the Board, unless such decision is appealed to the City Council. Decisions of the board may be appealed to the City Council by the appellant or by the Fire Marshal within thirty (30) days of the decision of the Board, by the filing of a written notice of appeal with the Director of Emergency Services stating the reasons for the appeal. The person filing the appeal and the opposing party shall be given at least ten (10) days' written notice of the time and place of the hearing on the appeal.

15.28.150 New materials. Processes or occupancies. Which may require permits. The building and safety director, the chief of the fire department and the fire marshal shall act as a committee to determine and specify, after giving effected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits in addition to those now enumerated in said code. The fire marshal shall post such list in a conspicuous place in his/her office and distribute copies thereof to interested parties.

15.28.160 Chapter 1 "Scope and Administration." Division II "Administration," Section 105 "Permits". Subsection 105.3.1 "Expiration" - Amended. Subsection 105.3.1 of the 2022 Fire Code is amended as follows:

105.3.1 Expiration. Every permit issued by the Fire Authority Having Jurisdiction under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within twelve calendar months from the date of such permit, or if the building or work authorized by such permit is stopped at any time after the work is commenced for a period of six calendar months, or if the building or work authorized by such permit exceeds three calendar years from the issuance date of the permit. Work shall be presumed to have commenced if the permittee has obtained a required inspection approval of work authorized by the permit by the Fire Authority Having Jurisdiction within six calendar months of the date of permit issuance.

Work shall be presumed to be stopped if the permittee has not obtained a required inspection of work by the Fire Authority Having Jurisdiction within each six-month period upon the initial commencement of work authorized by such permit.

Before such work can be recommenced, a new permit, or renewal permit as specified below, shall be first obtained.

1. Permits where work has not commenced. For permits for which work has not commenced in the first six calendar months from the date of issuance, a renewal permit may be obtained provided that:
 - A. No changes have been made or will be made in the original plans and specifications for such work.
 - B. The expiration has not exceeded three years from the original issuance date;
 - C. The same edition of the California codes is in effect as used is in the initial plan check;
 - D. A fee equal to one-half the amount required for a new permit is paid;
 - E. The renewal permit shall expire three calendar years from the date of initial permit issuance.

Where later editions of the California codes have been adopted than used in the initial plan check, such applications for renewal shall be considered as a new plan check submittal. Accordingly, plans shall reflect the requirements of the current codes in effect, a full new plan check is required, and a full new plan check fee shall be paid. Upon completion of a new plan check, the permit may be renewed upon payment of a permit fee equal to one-half the amount required for a new permit.

2. Permits where work has commenced. For permits where work has commenced and was subsequently stopped as defined herein, a renewal permit may be obtained provided that:
 - A. No changes have been made or will be made in the original plans and specifications for such work;
 - B. The expiration has not exceeded three years from the original issuance date;
 - C. A fee equal to one-half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point of requiring only a final inspection, a fee equal to one-quarter the amount required for a new permit shall be paid; and
 - D. A renewal permit shall expire three calendar years from the date of initial permit issuance.
3. Permits that have exceeded three years. For permits that have exceeded three years beyond the issuance date, a renewal permit may be obtained provided that:
 - A. Construction in reliance upon the building permit has commenced and has

- been approved;
- B. No changes have been made or will be made in the original plans and specifications for such work; and
 - C. A fee equal to the full amount required for a new permit is paid except that where the Fire Authority Having Jurisdiction determines that construction has progressed to the point that a lesser fee is warranted, such lesser fee shall be paid.

The maximum life of a permit renewal in accordance with subsection 15.28.160(3) shall be one calendar year from the date of renewal. The permit may be renewed for each calendar year thereafter provided that all requirements of subsections A., B., and C., as stated in subsection 15.28.160(3), are met.

- 4. Extension of an unexpired permit. For an extension of an unexpired permit, the permittee may apply for an extension of time within which work under that permit may be continued when, for good and satisfactory reasons as determined by the Fire Authority Having Jurisdiction in his or her sole discretion, the permittee is unable to continue work within the time required by section 15.28 .160. The Fire Authority Having Jurisdiction may extend the time for action by the permittee for a period not exceeding six calendar months beyond the expiration date in effect at the time of the extension application, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.
- 5. Permits issued where the permittee has been deployed to a foreign country, may be held in abeyance until six months after the return of the permittee from his/her deployment, if necessary, upon application for such relief by the permittee.

15.28.170 Penalties. Any person who shall violate any of the provisions of the 2022 California Fire Code adopted, or any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved is guilty of a misdemeanor.

INTRODUCED At Regular Meeting of 7th day of February, 2023.

PASSED and ADOPTED this day of February, 2023.

Ron Morrison
Mayor

ATTEST:

Shelley Chapel, MMC
Interim City Clerk

APPROVED AS TO FORM:

Barry J. Schultz,
City Attorney