

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS AMENDING TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO REPEAL AND READOPT CHAPTER 15.24 "CALIFORNIA FIRE CODE" WITH SELECTED APPENDICES AND AMENDMENTS AND TO REPEAL CHAPTER 15.56 "NFPA 101 LIFE SAFETY CODE"

WHEREAS, the City of Desert Hot Springs ("City") has adopted the 2010 Edition of the California Fire Code; and

WHEREAS, California Health and Safety Code Section 18938 provides that the most recent editions of the California Fire Code, as referenced in the California Building Standards Code ("CBSC"), shall apply to all occupancies in the state and shall become effective 180 days after publication in the CBSC by the CBSC Commission ("Commission") or at a later date after publication established by the Commission; and

WHEREAS, the 2016 California Fire Code and Appendices have been published by the Commission and incorporated into Title 24 of the California Code of Regulations, as Part 9; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 allow the City Council to make certain amendments to the CBSC provided that the amendments are more restrictive than the state adopted standards, and are supported by findings of necessity based on local climatic, topographic or geological conditions can be made; and

WHEREAS, the City Council is authorized, pursuant to Section 50022.2 et seq. of the California Government Code, to adopt ordinances and codes of the Federal, State, or any agency by reference in whole or in part, and the primary code may adopt by reference a secondary code in whole or in part; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the Guidelines for California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3), because this projects does not have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, this Ordinance amends Title 15 of the City of Desert Hot Springs Municipal Code by repealing references to the prior editions of the California Fire Code and making clear that the 2016 California Fire Code, with certain amendments that are more restrictive than the state adopted standards, are now in effect within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS

That the above recitals are true and correct and are incorporated as though fully set forth herein.

Section 2.

FINDINGS

That the City Council hereby adopts the following findings:

I. Climatic Conditions:

A. The City of Desert Hot Springs is located in Riverside County in Southern California and covers a vast and varied geographic area. The base climate in western Riverside County consists of semi-arid Mediterranean weather patterns. Eastern Riverside County is a desert area with Mohave Desert temperatures and weather patterns. Those two primary areas are divided by the San Bernardino Mountain Range. Both areas outside of the mountain terrain annually experience extended periods of high temperatures with little or no precipitation. Hot, dry winds, which may reach speeds of 70 M.P.H. or greater, are common to the area. Examples are: Santa Ana/ Foehn winds, afternoon surface-heating generated winds, and prevailing desert winds.

These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration) which necessitates rapid identification, locating and extinguishment of all fires in the smallest stage possible. In addition to directly damaging or destroying buildings, these fires are also prone to disrupt utility services throughout the County. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles, will greatly impact the response time to reach an incident scene. During these winds, the inability to use aerial type firefighting apparatus would further decrease our ability to stop fires in large buildings and place rescue personnel at increased risk of injury.

B. Although Riverside County and the City of Desert Hot Springs occasionally experiences periods of significant drought, the County can also experience periods of substantial rainfall. When experiencing heavy rain, or rain over a period of days or weeks, many areas of the County are subject to flooding. Runoff from rain drains either naturally into rivers, washes, and creeks or into flood control facilities. Flash flooding is typically associated with short duration, high intensity precipitation events often associated with summer thunderstorms. Such events can occur even during a drought.

C. Water demand in densely populated Southern California far exceeds the quantity supplied by natural precipitation; and although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption, and a limited amount of rainfall future water allocation is not fully dependable. This necessitates the need for additional and on-site fire protection features. It would also leave tall buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of available water to floors in a fire.

D. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features such as identification and notification will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

II. Topographical conditions

A. Natural: A large number of sensitive habitats for various animal species and vegetation consist within large open space areas between major urban centers that impact building and structure location, which impedes emergency access and response. This variety in regions contributes to an increased emergency response time, which necessitates cooperation between local agencies.

B. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout Riverside County.

C. These topographical conditions combine to create a situation, which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

III. Geological Conditions

Located within Riverside County are several known active and potentially active earthquake faults, including the San Andreas, San Jacinto, and Elsinore Fault. In the event of an earthquake, the location of the epicenter as well as the time of day and season of the year would have a profound effect on the number of deaths and casualties, as well as property damage.

The major form of direct damage from most earthquakes is damage to construction. Bridges are particularly vulnerable to collapse, and dam failure may generate major downstream flooding. Buildings vary in susceptibility, dependent upon construction and the types of soils on which they are built. Earthquakes destroy power and telephone lines; gas, sewer, or water mains; which, in turn, may set off fires and/or hinder firefighting or rescue efforts. The hazard of earthquakes varies from place to place, dependent upon the regional and local geology. Ground shaking may occur in areas 65 miles or more from the epicenter (the point on the ground surface above the focus). Ground shaking can change the mechanical properties of some fine grained, saturated soils, where upon they liquefy and act as a fluid (liquefaction).

A. Previous earthquakes in southern California have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings.

B. Road circulation features located throughout the County also make amendments reasonably necessary. Located through the County are major roadways, highways and flood control channels that create barriers and slow response times. Hills, slopes, street and storm drain design accompanies with occasional heavy rainfall, causes roadway flooding and landslides and at times may make an emergency access route impassable. There are areas in Riverside County that naturally have extended emergency response times that exceed the 5 minute goal.

Amendments to the 2016 Edition of the California Fire Code, as contained in this Ordinance, are found reasonably necessary based on the climatic, geological and/or topographical conditions and are listed as follows:

2016 CODE SECTION	TITLE/SUBJECT	FINDINGS I, II, III
101.4	Severability	Administrative
102.5	Application of the residential code	I, II & III
103.4 and 103.4.1	Liability	Administrative
104.1.1	Authority of the Fire Chief and Fire Department	Administrative
104.12	Authority of the Fire Chief to close hazardous fire areas	Administrative
108.1	Board of Appeals established	Administrative
109.4	Violation and Penalties	Administrative
113.2	Fees	Administrative
113.6	Cost Recovery	Administrative
202	Fire Chief	Administrative
503.2.1	Dimensions	Administrative
503.2.2	Authority	Administrative
503.6.1	Automatic opener	Administrative
503.7	Loading areas and passenger drop-offs	Administrative
507.5.7	Fire hydrant size and outlets	I & III
507.5.8	Fire hydrant street marker	I, II & III
508.1, 508.1.1, 508.1.3, 508.1.6, 508.1.8	Fire command center	I, II & III
509.2.1	Minimum clearances	I & III
606.10.1.2	Manual operation	II & III
903.2	Where required (automatic sprinkler systems)	I, II & III
903.3.5.3	Hydraulically calculated systems	I & II
3204.2.1	Minimum requirements for client leased or occupant	I, II & III
4904.3	High Fire Hazard Severity Zone Maps	Administrative
App Ch B, Table B105.2	Buildings other than one- or two-family dwellings	I, II & III
App Ch C, C103.1	Fire hydrant location	I, II & III

Section 3.

AMENDMENT TO CHAPTER 15.08 OF THE DESERT HOT SPRINGS MUNICIPAL CODE

That Section 15.08.080 “California Fire Code” of Chapter 15.08 “California Building Standards Code” of Title 15 “Buildings and Construction” the City of Desert Hot Springs Municipal Code shall be amended to read as follows:

15.08.080 California Fire Code.

In accordance with California Government Code Section 50022.2, the ~~2010~~**2016** California Fire Code ~~based on the 2009 International Fire Code~~ is adopted by reference, and shall be used to implement, administer and enforce the California Building Standards Code subject to any amendments thereto as may be set forth in this title. The penalties for violation of this title are set forth exclusively in Section 15.04.010.

Section 4.

AMENDMENT TO CHAPTER 15.24 OF THE DESERT HOT SPRINGS MUNICIPAL CODE

That Chapter 15.24 "California Fire Code" of Title 15 "Buildings and Construction" of the City of Desert Hot Springs Municipal Code shall be amended to read as follows:

15.24.010 Findings and declarations.

The City Council of the City of Desert Hot Springs does specifically and expressly find and declare that the nature and uniqueness of the local climate, geographical and topographical conditions in the City of Desert Hot Springs does reasonably necessitate and demand specific changes in and variations from the ~~2010~~**2016** California Fire Code, which are noted in and made part of this chapter as authorized by California Health and Safety Code Sections 17958.7 and 18941.5. These conditions result from ~~extreme temperatures and high winds~~ **climatic, geological and topographical conditions.**

15.24.020 Purpose.

The purpose of this chapter is to facilitate the implementation, administration and enforcement of the ~~2010~~**2016** California Fire Code which establish the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety and general welfare from the hazard of fire, explosion or dangerous conditions in new and existing buildings or structures and premises and to provide safety and assistance to firefighters and emergency responders during emergency operations.

15.24.030 Incorporation by reference.

~~The 2010 California Fire Code and standards contained therein are incorporated herein by reference as though set forth at length subject to any amendments that may be set forth in this chapter~~ **Except as stated in this Section or as amended below in Section 15.24.050, all of the provisions and appendices of the 2016 California Fire Code, inclusive of all of the inclusions and exclusions set for in each chapter's matrix, are hereby adopted and shall apply to the City of Desert Hot Springs. In addition, the following provisions that are excluded in the 2016 California Fire Code are hereby adopted - Chapter 1, Division II of the California Fire Code is hereby adopted, except that Section 103.2 and 108.3 are not adopted, and Chapters 3, 25, and Sections 403.12, 503, 510.2, and 1103.2 are adopted.**

15.24.040 Relation to California Buildings Standards Code.

Any amendment to the ~~2010~~**2016** California Fire Code and standards contained therein as set forth in this chapter shall also be deemed an amendment to the ~~2010~~**2016** California Fire Code for purposes of implementing, administering and enforcing the California Building Standards Code.

~~15.24.050 Definition of "jurisdiction" (CFC Section 202).~~

~~The definition of "jurisdiction" as set forth in Chapter 2—Section 202 General Definitions of 2010 California Fire Code shall be replaced with the following:~~

~~"Jurisdiction" shall mean the City Desert Hot Springs and whenever the term "Jurisdiction" appears in the California Fire Code.~~

15.24.050 Amendments to the California Fire Code.

Section 101.4 of the California Fire Code is deleted in its entirety and replaced with the following:

101.4 Severability. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 102.5 of the California Fire Code is amended as follows:

102.5 Application of residential code. Where structures are designed and constructed in accordance with the California Residential Code, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.
- 3. Automatic fire sprinkler system requirements of this code shall apply to detached accessory buildings 3,600 square feet or greater in accordance with Section 903.2. The provisions contained in Section 903.2.18 of the California Fire Code or Section R309.6 of the California Residential Code may be used for the design of the automatic fire sprinkler system for detached private garages.**

Sections 103.4 and 103.4.1 of the California Fire Code are deleted in their entirety and replaced with the following:

103.4 Liability. Any liability against Riverside County or the City of Desert Hot Springs or any officer or employee for damages resulting from the discharge of their duties shall be as provided by law.

Section 104.1.1 is added to Section 104.1 of the California Fire Code to read as follows:

104.1.1 Authority of the Fire Chief and Fire Department.

1. The Fire Chief is authorized and directed to enforce all applicable State fire laws and provisions of this ordinance and to perform such duties as directed by the City Council.

2. The Fire Chief is authorized to administer, interpret and enforce this ordinance. Under the Fire Chief's direction, the Riverside County Fire Department is authorized to enforce ordinances of the City of Desert Hot Springs pertaining to the following:

- 2.1. The prevention of fires.**
- 2.2. The suppression or extinguishment of dangerous or hazardous fires.**
- 2.3. The storage, use and handling of hazardous materials.**
- 2.4. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.**
- 2.5. The maintenance and regulation of fire escapes.**
- 2.6. The maintenance of fire protection and the elimination of fire hazards on land, in buildings, structures and other property, including those under construction.**
- 2.7. The maintenance of means of egress.**

2.8. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

3. The following persons are hereby authorized to interpret and enforce the provisions of this ordinance and to make arrests and issue citations as authorized by law:

3.1. The Unit Chief, Peace Officers and Public Officers of the California Department of Forestry and Fire Protection.

3.2. The Fire Chief, Peace Officers and Public Officers of the Riverside County Fire Department.

3.3. The Riverside County Sheriff and any deputy sheriff.

3.4. The Police Chief and any police officer of any city served by the Riverside County Fire Department.

3.5. Officers of the California Highway Patrol.

3.6. Code Officers of the City of Desert Hot Springs Code Enforcement Department.

3.7. Peace Officers of the California Department of Parks and Recreation.

3.8. The law enforcement officer of the Federal Bureau of Land Management.

Section 104.12 is added to Section 104 of the California Fire Code to read as follows:

104.12 Authority of the Fire Chief to close hazardous fire areas. Except upon National Forest Land, the Fire Chief is authorized to determine and announce the closure of any hazardous fire area or portion thereof. Any closure by the Fire Chief for a period of more than fifteen (15) calendar days must be approved by the Riverside County Board of Supervisors and/or the City Council within fifteen (15) calendar days of the Fire Chief's original order of closure. Upon such closure, no person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas. During such closure, the Fire Chief shall erect and maintain at all entrances to the closed area sufficient signs giving notice of closure. This section shall not prohibit residents or owners of private property within any closed area, or their invitees, from going in or being upon their lands. This section shall not apply to any entry, in the course of duty, by a peace officer, duly authorized public officer or fire department personnel. For the purpose of this section, "hazardous fire area" shall mean public or private land that is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief.

~~15.24.060 Inspections (CFC Section—106.5).~~

~~Section 106, Inspections, as set forth in the 2010 California Fire Code, and incorporated herein by reference, shall be amended as follows to state as follows:~~ Section 106.5 is added to Section 106 of the California Fire Code to read as follows:

~~Inspection of Residential Occupancy~~

~~Upon Transfer of Ownership.~~

106.5 Inspection of residential occupancy upon transfer of ownership. Any residential dwelling unit which falls within "Residential Group "R" as provided by the 20102016 California Fire Code that is the subject of a transfer in ownership shall be required to have smoke detectors properly installed and operable prior to the property transfer and shall be required to comply with Section 907.2.11.

Any residential dwelling unit which falls within “Residential Group “R” as provided by the ~~2010~~**2016** California Fire Code that is the subject of a transfer in ownership shall be required to have Emergency Escape and Rescue openings and any exit doors inspected to assure they are free of any obstructions other than those allowed by Section ~~4029~~**1030** and as such are compliant to Section ~~4029.4~~ **1030.4** “Operational constraints” of the ~~2010~~**2016** California Fire Code.

Before any such property may close escrow, the current owner, seller, broker or agent shall arrange for an inspection of these devices to be conducted by the Fire Department Fire Safety Specialist to assure that the residential dwelling is compliant with these devices as set forth in the ~~2010~~**2016** California Fire Code.

Such inspections shall be subject to fees as set by resolution, sufficient to pay the costs of the inspection pursuant to this chapter and outlined in Section 113 of the California Fire Code.

Section 108.1 of the California Fire Code is deleted in its entirety and replaced with the following:

108.1 Board of appeals established. The Board of Appeals shall be the City Manager. If he or she determines an outside board is needed, he or she shall designate an outside hearing officer to hear the appeal. The Fire Chief shall be notified of any appeal and the Fire Chief or designee shall be in attendance at the appeal hearing. Depending on the subject of the appeal, specialized expertise may be solicited, at the expense of the applicant, for the purpose of providing input to the Appeals Board.

Section 109.4 of the California Fire Code is deleted in its entirety and replaced with the following:

109.4 Violation and penalties. It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this ordinance, or to violate the provisions of any permit granted pursuant to this code or ordinance. Punishments and penalties for violations shall be in accordance with the City of Desert Hot Springs ordinances, fee schedule and Health and Safety Code Sections 17995 through 17995.5.

Section 113.2 of the California Fire Code is deleted in its entirety and replaced with the following:

113.2 Schedule of permit fees. Fees for services and permits shall be as set forth in the City of Desert Hot Springs fee schedule.

Section 113.6 is added to Section 113 of the California Fire Code to read as follows:

113.6 Cost recovery. Fire suppression, investigation, rescue or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1, as may be amended from time to time. Additionally, any person who negligently, intentionally or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150, et seq, as may be amended from time

to time. Any expense incurred by the Riverside County Fire Department for securing such emergency shall constitute a debt of such person and shall be collectable by Riverside County in the same manner as in the case of an obligation under contract, express or implied.

Section 202, definition of "Fire Chief" in the California Fire Code is deleted in its entirety and replaced with the following:

FIRE CHIEF. The Fire Chief of Riverside County or the Fire Chief's designee.

Section 503.2.1 of the California Fire Code is deleted in its entirety and replaced with the following:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). For additional requirements or alternatives see Riverside County Fire Department Standards and Policies, as may be amended from time to time.

Section 503.2.2 of the California Fire Code is deleted in its entirety and replaced with the following:

503.2.2 Authority. The fire code official shall be the only authority authorized to designate fire apparatus access roads and fire lanes and to modify the minimum fire lane access widths for fire or rescue operations

Section 503.6.1 is added to Section 503.6 of the California Fire Code to read as follows:

503.6.1 Automatic opener. New motorized gates shall be provided with means to be automatically opened remotely by emergency vehicle in accordance with Riverside County Fire Department standards and Policies, as may be amended from time to time.

Exception: Gates serving individual one- and two-family dwelling parcels.

Section 503.7 is added to Section 503 of the California Fire Code to read as follows:

503.7 Loading areas and passenger drop-off areas. On private properties, where fire apparatus access roads are utilized for loading or unloading or utilized for passenger drop-off or pick-up, an additional eight (8) feet of width shall be added to the minimum required width for the fire apparatus access road.

Section 507.5.7 is added to Section 507 of the California Fire Code to read as follows:

507.5.7 Fire hydrant size and outlets. As determined by the fire code official, fire hydrant sizes and outlets shall be based on the following:

1. Residential Standard – one (1) four (4) inch outlet and one (1) two and half (2 ½) inch outlet.

2. Super Hydrant Standard – one (1) four (4) inch outlet and two (2) two and one half (2 ½) inch outlet.

3. Super Hydrant Enhanced – two (2) four (4) inch outlet and one (1) two and one half (2 ½) inch outlet.

Section 507.5.8 is added to Section 507 of the California Fire Code to read as follows:

507.5.8 Fire hydrant street marker. Fire hydrant locations shall be visually indicated in accordance with Riverside County Fire Department Technical Policy 06-11, as may be amended from time to time. Any hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer or person responsible for removal or damage.

Section 508.1 of the California Fire Code is deleted in its entirety and replaced with the following:

508.1 General. Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code, in buildings greater than 300,000 square feet in area and in Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, a fire command center for fire department operations shall be provided and comply with Sections 508.1.1 through 508.1.8.

Section 508.1.1 of the California Fire Code is deleted in its entirety and replaced with the following:

508.1.1 Location and access. The fire command center shall be located adjacent to the main lobby and shall be accessible from fire department vehicular access or as approved by the fire code official. The room shall have direct access from the building exterior at the lowest level of fire department access.

Section 508.1.3 of the California Fire Code is amended to add the following:

Exception: A fire command center solely required because a building is greater than 300,000 square feet in area shall be a minimum of 96 square feet (9 m²) with a minimum dimension of 8 feet (2438mm).

Section 508.1.6 of the California Fire Code is amended to add the following:

Exception: A fire command center solely required because a building is greater than 300,000 square feet in area shall comply with NFPA 72 and contain the features set forth in Section 508.1.6 subsections 5, 8, 10, 12, 13 and 14. The features set forth in Section 508.1.6 subsections 1, 2, 3, 4, 6, 7, 9, 11, 15, 16, 17, 18 and 19 shall be required when such building contains systems or functions related to these features.

Section 508.1.8 is added to Section 508 of the California Fire Code to read as follows:

508.1.8 Fire command center identification. The fire command center shall be identified by a permanent easily visible sign stating "Fire Dept. Command Center," located on the door to the fire command center.

Section 509.2.1 of the California Fire Code is amended to add the following:

509.2.1 Minimum clearances. A 3-foot (914 mm) clear space shall be maintained around the circumference of exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved.

Section 606.10.1.2 of the California Fire Code is deleted in its entirety and replaced with the following:

606.10.1.2 Manual operation. When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room in a secure metal box or equivalent and marked as Emergency Controls.

Section 903.2 of the California Fire Code is deleted in its entirety and replaced with the following:

903.2 Where required. In all new buildings and structures which are 3,600 square feet or greater, an approved automatic sprinkler system shall be provided regardless of occupancy classification. Where the Sections 903.2.1 – 903.2.19 of the California Fire Code require more restrictive requirements than those listed below, the more restrictive requirement shall take precedence.

Exception: Unless required elsewhere in this code or the California Building Code, automatic fire sprinkler systems shall not be required for the following:

1. Detached Group U occupancies used for agricultural or livestock purposes, less than 5,500 square feet, and having setback distances of 50 feet or more from the property line and other buildings.
2. Detached non-combustible equestrian arena shade canopies that are open on all sides and used for riding only - no commercial, assembly or storage uses.
3. Detached fabric or non-combustible shade structures that are open on all sides and used to shade playground equipment, temporary storage of vehicles and dining areas with no cooking.
4. Detached Group U occupancy greenhouses less than 5,500 square feet.
5. Where determined by the Fire Chief that no major life safety hazard exists, and the fuel load does not pose a significant threat to firefighter safety or to other structures or property, automatic fire sprinklers may be exempted.

One- and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in mobile homes, manufactured homes and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.

The following exceptions in the California Fire Code shall not be allowed:

a. Exception in Section 903.2.3

b. Exception 2 in Section 903.2.11.3

Section 903.3.5.3 is added to Section 903 of the California Fire Code to read as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Section is added to Section 3204.2 of the California Fire Code to read as follows:

3204.2.1 Minimum requirements for client leased or occupant owned warehouses. Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible fire protection engineer shall perform a survey of the building to determine commodity classification, storage configuration, building height and other information related to the development of an appropriate sprinkler system design. The fire protection engineer shall also make reasonable efforts to meet with the building owner or operator to understand seasonal or customer related fluctuations to the stored commodities, storage height, and configuration. The sprinkler design shall be based on the most demanding requirements determined through the onsite survey and discussions with the building owner or operator. The technical report shall describe the basis for determining the commodity and sprinkler design selection, how the commodities will be isolated or separated, and include referenced design document(s), including NFPA 13 or the current applicable factory mutual data sheets. If a specific fire test is used as the basis of design, a copy of the fire test report shall be provided at the time of plan review.

Section 4904.3 is added to Section 4904 of the California Fire Code to read as follows:

4904.3 High Fire Hazard Severity Zone Maps. In accordance with Government Code Sections 51175 through 51189, Very High Fire Hazard Severity Zones are designated as shown on a map titled Very High Fire Hazard Severity Zones, dated December 24, 2009 and retained on file at the office of the Fire Chief, which supersedes other maps previously adopted by Riverside County designating high fire hazard areas.

Table B105.2 of the California Fire Code is amended as follows:

TABLE B105.2

REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the California Fire Code	25 50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the California Fire Code	25 50% of the value in Table B105.1(2) ^b	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,000 gallons per minute.

b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

Section C103.1 of the California Fire Code is deleted in its entirety and replaced with the following:

C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the International California Fire Code shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3. **Fire hydrants shall be provided at street intersections.**

~~15.24.070 Fire apparatus access roads (CFC Section 503).~~

~~Section 503, Fire Apparatus Access Roads, as set forth in the 2010 California Fire Code and incorporated herein by reference, shall be amended to be comprised of the Riverside County Fire Department, Fire Prevention Standard (FPS) 06-05, "Fire Apparatus Access Roads," dated 02-09-2007, and current revision date.~~

~~15.24.080 Premises identification (CFC Section 505).~~

~~Section 505, Premises identification, as set forth in the 2010 California Fire Code and incorporated herein by reference, shall be amended to be comprised of the Riverside County Fire Department, Fire Prevention Standard (FPS) 07-01, "Premises Identification," effective date 05-24-2011, current revision date, with the following addendum:~~

~~Premises identification shall be subject to approval by the City of Desert Hot Springs.~~

~~15.24.090 Controlled access key boxes (CFC Section 506).~~

~~Section 506, Key Boxes, as set forth in the 2010 California Fire Code and incorporated herein by reference, shall be amended to be comprised of the Riverside County Fire Department, Fire Prevention Standard (FPS) 06-03, "Knox Emergency Access Standard," dated 03-01-1992, current revision date.~~

~~15.24.100 Fire protection water supplies (UFC Section 507).~~

~~Section 507, Fire Protection Water Supplies, as set forth in the 2010 California Fire Code and incorporated herein by reference, shall be amended to be comprised of the Riverside County Fire Department, Fire Prevention Standard (FPS) 06-07, "Stored Water Fire Protection Systems," dated 08-12-2008, current revision.~~

~~15.24.110 Fire protection systems (CFC Section 901).~~

~~Section 901.7, Systems out of service," as set forth in the 2010 California Fire Code and incorporated herein by reference, shall be amended to be comprised of the Riverside County Fire Department, Fire Prevention Standard (FPS) 06-02, "Fire Watch," dated 01-01-2007, current revision.~~

Section 5.

REPEAL OF CHAPTER 15.56 "NFPA 101 LIFE SAFETY CODE"

That Chapter 15.56 "NFPA 101 Life Safety Code" of Title 15 "Buildings and Construction" of the City of Desert Hot Springs Municipal Code shall be repealed in its entirety.

~~15.56.010 Purpose.~~

~~The purpose of this chapter is to facilitate the implementation, administration and enforcement of the NFPA 101 Life Safety Code (2000 Edition) which is to provide minimum requirements,~~

~~with due regard to function, for the design, operation, and maintenance of buildings and structures for safety to life from fire. Its provisions will also aid life safety in emergencies.~~

~~15.56.020 Incorporation by reference.~~

~~The NFPA 101 Life Safety Code (2000 Edition) is incorporated herein by reference as though set forth at length subject to any amendments that may be set forth in this chapter.~~

~~15.56.030 Definition of Administrative Authority (LSC Section 3.2.2).~~

~~Section 3.2.2, Authority Having Jurisdiction, as set forth in the NFPA 101 Life Safety Code (2000 Edition), shall be deleted in its entirety and amended with the following:~~

~~The “Authority Having Jurisdiction” shall mean the “Building Official of the City of Desert Hot Springs or his or her designee” and wherever the term “Administrative Authority” appears in the NFPA 101 Life Safety Code (2000 Edition), it shall mean the “Building Official of the City of Desert Hot Springs or his or her designee.”~~

~~15.56.040 Board of Appeals (LSC Section 1.7.1).~~

~~Section 1.7.1, Administration and Enforcement, of the NFPA 101 Life Safety Code (2000 Edition), shall be amended with the following:~~

~~This Code shall be administered and enforced by the authority having jurisdiction designated by the governing authority. The Board of Appeals created, described and provided for in Desert Hot Springs Municipal Code Section 15.12.050 shall serve as the appeals body for all appeals relating to the suitability of alternate materials and methods of construction.~~

~~15.56.050 Violations (LSC Section 1.7.2).~~

~~section is added to the NFPA 101 Life Safety Code (2000 Edition) as Section 1.7.2 and shall read as follows:~~

~~Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any new construction, any existing building or structure, or any vehicle or vessel in violation of this Code.~~

~~15.56.060 Penalty (LSC Section 1.7.3).~~

~~section is added to the NFPA 101 Life Safety Code (2000 Edition) as Section 1.7.3 and shall read as follows:~~

~~Penalties. Any person, firm, or corporation violating any provision of this Code shall be deemed guilty of an infraction, unless a penalty for such violation is otherwise provided for under state or federal law, and upon conviction thereof, shall be punishable by a fine and/or imprisonment set forth by the governing laws of the jurisdiction. Each separate day or any portion thereof, during which a violation of this code occurs or continues, shall be deemed to constitute a separate offense.~~

Section 6. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 7. REPEAL OF CONFLICTING PROVISIONS

All the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 8. AMENDING OF BAIL SCHEDULE

The City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 9. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its second reading.

Section 10. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the ____ day of _____, 2016 by the follow vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Matas, Mayor

ATTEST:

Jerryl Soriano, CMC, City Clerk

APPROVED AS TO FORM:

Jennifer Mizrahi,
City Attorney