

## ORDINANCE NO. 2016-02

**AN ORDINANCE OF THE CHINO VALLEY INDEPENDENT FIRE DISTRICT, ADOPTING BY REFERENCE AND AMENDING THE 2016 EDITION OF THE CALIFORNIA FIRE CODE WITH ERRATA, AND THE 2015 INTERNATIONAL FIRE CODE REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS, HAZARDOUS MATERIALS AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING FIRE CODE ORDINANCE NO. 2013-01 OF THE CHINO VALLEY INDEPENDENT FIRE DISTRICT.**

**WHEREAS**, pursuant to California Government Code Section 50022.1 *et seq.* and California Health and Safety Code Section 13869 *et seq.*, the Chino Valley Independent Fire District may adopt by reference the 2016 *California Fire Code*, with errata, and portions of the 2015 *International Fire Code* related to fire and hazardous condition prevention; and

**WHEREAS**, the District may also adopt any amendments to the 2016 *California Fire Code* and 2015 *International Fire Code* previously adopted by reference; and

**WHEREAS**, the District held a public hearing on October 19, 2016 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the 2016 *California Fire Code* as amended herein; and

**WHEREAS**, the District published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on October 1, 2016, October 8, 2016 and October 15, 2016; and

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

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

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

The *California Fire Code*, 2016 Edition, with errata, together with those portions of the 2015 *International Fire Code* as published by the International Code Council, including Chapter 1 and Appendix Chapters 4, B, BB, D, F, G, H, I, J, and N, not included in the 2016 *California Fire Code*, collectively referred to as the "Fire Code" and with the additions, insertions, deletions, and changes prescribed in Section 2 of this ordinance are hereby adopted and declared to be the Fire Code of the District, in the County of San Bernardino, State of California regulating and governing the safeguarding of life and property from fire and explosion hazards, hazardous conditions arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Clerk of the Board of Directors of the District are hereby referred to, adopted, and made part hereof, as if fully set out in this Ordinance.

## **1.1 Definitions.**

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

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

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

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

## **1.2 Fees.**

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

1.2.2 Fire Suppression, investigation, rescue, and emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1. Any person who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to a traffic accident or spill of toxic or flammable liquids or chemicals, is liable for the costs of securing such emergency, including those costs set out in Government Code Section 53150 et seq. Any expense incurred by the District for securing such an emergency situation shall constitute a public debt of such person and shall be collectible by the District in the same manner as in the case of an obligation under contract, expressed or implied.

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

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

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

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

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

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

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

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

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

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

**Chapter 1 Scope and Administration, Division II**, a new item 8 shall be added to Section 105.5 read as follows:

**105.5 Revocation.**

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

**Chapter 1 Scope and Administration, Division II**, Section 105.6.16.1 shall be added to read as follows:

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

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

**105.6.30 Miscellaneous combustible storage.** An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m<sup>3</sup>) gross volume of combustible

*pallets, empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork, green waste, composting, yard waste, or similar combustible material.*

**Chapter 1 Scope and Administration, Division II**, Section 105.6.38 shall be changed to read as follows:

**105.6.38 Pyrotechnic special effects material.** An operational permit is required for *the sale of, use, storage, or handling of pyrotechnic special effect material.* See Health and Safety Code Division 11, Part 2, Sections 12500, et seq. for additional requirements.”

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

**105.7 Required construction permits.** The fire code official is authorized to issue construction permits for work *including, but not limited to, the requirements as set forth in Chapter 1, Sections 105.7.1 through 105.7.18.*

*Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy or use of a building or structure or to cause any such work to be done shall make application to the District and obtain the required permit.*

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

**105.7.13 Private Fire Hydrants and Related Equipment.** A construction permit is required for the installation or modification of private fire hydrants *and related on-site water appliances.*

**Chapter 1 Scope and Administration, Division II**, Section 108 Board of Appeals shall be deleted and Section 108 shall be added to read as follows:

#### **SECTION 108 BOARD OF APPEALS**

**108.1 Board of appeals established.** *Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Fire Code do not apply or that the true intent and meaning of the Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Board of Directors within thirty (30) days from the date of the decision appealed. In order to hear and decide appeals of orders, decisions and determinations made by the Chief to the application and interpretation of this code, there shall be and hereby is created an Appeals Board which shall be the District Board of Directors and will be referred to herein as the “Appeals Board.” The President of the Board of Directors shall act as the Chairman of the Appeals Board.*

**108.2 Limitations on authority.** *An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The Appeals Board shall have no authority to waive requirements of this code.*

**108.3 Hearing procedures.** *Upon receipt of a request for hearing, the Chairman of the Appeals Board shall fix the time and place of the hearing which shall be at a meeting of the Appeals Board held not more than thirty (30) days after the date of filing of the request for hearing. The Appeals Board shall give written notice of the time and place of the hearing to the initiating party and the Chief. The Appeals Board shall keep a record of the proceedings of each hearing. The Appeals Board shall issue written findings and a decision within fifteen (15) days of the conclusion of the hearing which shall be mailed to the parties' first class mail, postage prepaid, at such address as they have provided.*

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

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

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

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

**Chapter 1 Scope and Administration, Division II**, Section 111.4 shall be changed 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 violation penalties as specified in Section 109.4*. *Each day that the work continues in violation of a stop work order shall be deemed a separate offense.*

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

**304.1. Waste accumulation prohibited.** Combustible waste material, *as outlined in Section 304.1.1 and 304.1.2*, creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. *In the event that abatement is not performed as required by a*

*Notice of Violation or Notice to Destroy Weeds, the Fire District may seek approval from its governing body to abate said fire hazard and place a lien upon the property in which such conditions exist.*

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

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

**304.1.2 Vegetation.** *Cut and uncut weeds, grass, tumbleweeds, vines, trees, or other vegetation that is capable of being ignited and endangering property, shall be removed by the owner or occupant of the premises. All properties that are non-compliant by the official deadline will be cleared at the discretion of the Fire Marshal. Parcels 5 acres or less in size may be required to be completely cleared of all non-fire resistive vegetation growth.*

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

**304.1.2.1 Clearance of brush or vegetative growth from roadways.** *The fire code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of non-fire resistive vegetation growth.*

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

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

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

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

**304.1.2.2.2 Support clearance.** *Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time designated by the fire code official.*

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

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

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

**304.1.2.2.3.2 Trimming clearance.** At the time of trimming, clearances not less than those established by Table 304.1.2.2.3.2 shall be provided. The radial clearances shown below are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

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

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

For SI: 1 foot = 304.8 mm.

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

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

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

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

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

230,001-500,000	115
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For SI: 1 inch = 25.4 mm.

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

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

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

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

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

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

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

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

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

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

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



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

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

**Chapter 5 Fire Service Features**, Section 503.2 shall be changed to read as follows:

**503.2 Specifications:** Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 *and Appendix D*.

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

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

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

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

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

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

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

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

**505.1 Address Identification.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) *for one- and two-family residential dwellings, and shall be illuminated during hours of darkness. Numbers shall be a minimum of 8 inches (204 mm) high with a minimum stroke width of 1.0 inch (25.5 mm) for buildings other than one- and two-family residential dwellings.* Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

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

**Chapter 9 Fire Protection Systems**, Section 903.2 shall be changed to read as follows:

**903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.19.

*In addition to the requirements of Section 903, automatic fire sprinklers are required for the construction of buildings 5,000 square feet or more, regardless of the use of fire walls, except for Group U occupancies not required by Section 903.2.18.*

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

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

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

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

**4906.3.1 Correction of conditions.** *The fire code official is authorized to give notice to the owner of the property on which the conditions regulated by Section 4906 exist, said notice shall be to correct such conditions. If the owner fails to correct such conditions, the governing body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.*

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

**Chapter 49 Requirements for Wildland-Urban Interface Areas**, Section 4908 shall be added to read as follows:

**SECTION 4908 FUEL MODIFICATION**

**4908.1 General.** All new buildings or developments to be built or installed in a wildland-urban interface area as set forth in Chapter 49 shall be provided with an area of defensible space. This area shall be called the fuel modification area.

**4908.2 Plans.** Fuel modification plans shall be submitted to and approved by the fire code official, plans shall include both preliminary and final fuel modification plans.

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

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

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

**SECTION 4909 PRECAUTIONARY REQUIREMENTS**

**4909.1 Restricted entry to public lands.** The Chief is authorized to determine and publicly announce when wildland-urban interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of wildland-urban interface areas, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the wildland-urban interface area is closed to entry, is prohibited:

**Exceptions:**

1. Residents and owners of private property within wildland-urban interface areas and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

**4909.2 Smoking prohibition.** Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in wildland-urban interface areas is prohibited.

**Exception:** Places of habitation or within the boundaries of established smoking areas or campsites as designated by the fire code official. No person shall smoke within 30 feet of combustible vegetation.

**4909.3 Outdoor fires.** Outdoor fires shall not be built, ignited or maintained in or upon wildland-urban interface areas.

**Exception:**

1. Gas or charcoal fuel within habited premises where such fires are a minimum of 30 feet from a grass, brush or wildland area.
2. During non-fire season and in a designated State Park campsite.

The burning of rubbish, trash or combustible waste material is not permitted.

**4909.4 Ashes and coals.** Ashes and coals shall not be placed, deposited or dumped in or on wildland-urban interface areas.

**Exceptions:**

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tight fitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from nonfire-resistive vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7620 mm) from nonfire-resistive vegetation or structures.

**4909.5 Use of fire roads and defensible space.** Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

**Exception:** Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

**4909.6 Use of motorcycles, motor scooters, ultralight aircraft and motor vehicles.** Motorcycles, motor scooters, ultralight aircraft and motor vehicles shall not be operated within wildland-urban interface areas, without a permit by the fire code official, except upon clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

**4909.7 Tampering with locks, barricades, signs and address markers.** Locks, barricades, seals, cables, signs and address markers installed within wildland-urban interface areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the fire code official shall not be unlocked.

**4909.8 Storage of firewood and combustible materials.** Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the fire code official, storage of firewood and combustible material stored in the defensible space shall be located a minimum of 20 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

**4909.9 Trespassing on posted private property.**

**4909.9.1 General.** When the Chief determines that a specific area within a wildland-urban interface area presents an exceptional and continuing fire danger because of the density

*of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas may be restricted or closed until changed conditions warrant termination of such restriction or closure.*

**4909.9.2 Signs.** *Approved signs prohibiting entry by unauthorized persons and referring to this code shall be placed on every closed area.*

**4909.9.3 Trespassing.** *Entering and remaining within areas closed and posted is prohibited.*

**Exception:** *Owners and occupiers of private and public property within closed and posted areas; their guests or invitees; authorized persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.*

**4909.10 Tracers and engine or propellant powered devices.** *Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across wildland-urban interface areas.*

*Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across wildland-urban interface areas.*

**4909.11 Explosives.** *Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas, except by permit from the fire code official.*

**4909.12 Smoking bees.** *Lighted and smoldering material shall not be used in connection with smoking bees in or upon wildland-urban interface areas, except by permit from the fire code official.*

**4909.13 Expenses of fighting fires.** *The expenses of fighting fires which result from negligence or a violation of Chapter 49 of this code shall be charged against the person whose negligence or violation caused the fire. Damages caused by such fires shall constitute a debt of such person and are collectable by the Chief in the same manner as in the case of an obligation under a contract, expressed or implied.*

**4909.14 Equipment and devices generating heat, sparks or open flames.** *Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in wildland-urban interface areas without a permit from the fire code official.*

**Exception:** *Use of approved equipment in a habitated premises or designated campsites that are a minimum of 30 feet from grass-, grain-, brush- or forest-covered areas.*

**4909.15 Waste material.** *Waste material shall not be placed, deposited or dumped in wildland-urban interface areas, or in, on or along trails, roadways or highways or against structures in wildland-urban interface areas.*

**Exception:** *Approved public and approved private dumping areas.*

**4909.16 Fireworks.** *Fireworks shall not be used or possessed in wildland-urban interface areas.*

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

**Chapter 56 Explosives and Fireworks,** Section 5601.1.3 shall be changed and a new Section 5601.1.3.1 shall be added to read as follows:

**5601.1.3 Fireworks.** *The storage, use, sale, possession, and handling of fireworks 1.4G (commonly referred to as Safe and Sane) and fireworks 1.3G is prohibited.*

**Exception:** *Fireworks 1.4G and fireworks 1.3G may be part of an electrically fired public display when permitted and conducted by a licensed pyrotechnic operator.*

**Exception:** *When a city or county ordinance allows approved fireworks (commonly referred to as Safe and Sane) as defined by the California State Fire Marshal.*

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

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

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

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

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

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

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

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

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

**Appendix D Fire Apparatus Access Roads**, Section D103.2 shall be changed to read as follows:

**D103.2 Grade.** Fire apparatus access roads shall not exceed 12 percent in grade.

**Exception:** Grades steeper than 12 percent as approved by the *fire code official shall be constructed with perpendicularly grooved concrete. At no time shall the grade be greater than 18 percent.*

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

**Appendix D Fire Apparatus Access Roads**, Table D103.4 shall be deleted and Section D103.4 shall be changed to read as follows:

**D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45720 mm) shall be provided with turnaround provisions.. *Turnarounds shall be approved by the fire official.*

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

**Appendix D Fire Apparatus Access Roads**, Section D103.5 shall be changed to read as follows:

**D103.5 Fire apparatus access road gates.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of *an approved padlock* or when an approved key box containing the key(s) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.
8. Electric gate operators, where provided *or required to be installed, shall be approved by the fire code official.*
9. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

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

**Appendix N Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses,**  
Section N103.7 shall be changed to read as follows:

**N103.7 Fire Protection.** Haunted houses and ghost walks shall be provided with fire protection systems, *as required by the fire code official.*

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

**Section 3. GEOGRAPHICAL LIMITS.**

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

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

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

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

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

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



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

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

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

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

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

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

That Fire Code Ordinance No. 2013-01 of the District entitled AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CHINO VALLEY INDEPENDENT FIRE DISTRICT, COUNTY OF SAN BERNARDINO, CALIFORNIA, ADOPTING VARIOUS SECTIONS OF THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE, AND THE 2013 EDITION OF THE *CALIFORNIA FIRE CODE*, WITH ERRATA RELATED TO HAZARDOUS CONDITIONS AND MATERIALS AND FIRE PREVENTION and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5. SEVERABILITY.**

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

**Section 6. RIGHTS RESERVED.**

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

**Section 7. PUBLICATION.**

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

**Section 8. DATE OF EFFECT.**

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2017 which is to be no less than thirty (30) days from and after the date of its final passage and adoption.

**Section 9. CEQA EXEMPTION.**

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

**Section 10. FINDINGS.**

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

1. The climate weather patterns within the District include frequent periods of drought and low humidity adding to the fire danger. Fire season can be year-round in this region.
2. During the summer months the dry winds and existing vegetation mix to create a hazardous fuel condition which has resulted in large loss vegetation and structure fires. Summer temperatures exceeding one hundred degrees (100°), and severe "Santa Ana" winds frequently occur and can move a fire quickly throughout areas of the District. Multiple shifting wind patterns throughout the canyon areas add to the difficulty in suppressing fires.
3. Because of weather patterns, the District has experienced a need for water conservation. Due to the storage capacities and consumption, and a limited amount of rainfall (drought conditions), future water allocation is not fully dependable. While sound management of the water resources is possible, demands and possible critical depletions on an already stressed water supply can most assuredly be predicted.

4. Features located throughout the District are major roadways, highways, freeways and flood control channels which create barriers and slow response times. Other unique factors which create barriers and slow response times are the multiple canyons located within the District and the large California Institute for Men property.
5. The topography is also very steep in large areas of the District affecting the rate of fire spread and response times.
6. Due to the sloping in the regional valley where the District is located, as well as the present street and storm drain design, heavy rainfall causes roadway flooding and landslides which at times may make an access route impassable.
7. The District has within its boundaries active seismic hazards. Seismic activity within the District occurs yearly and a fire potential exists with these active faults. Existing structures and planned new development are at serious risk from an earthquake. This risk includes fire, collapse and the disruption of water supply for firefighting purposes. Areas can also become isolated as a result of bridge, overpass and road damage and debris.
8. Structures in close proximity to each other pose an exposure problem which may cause a fire to spread from one structure to another as well as to the wildland area.
9. For practical and cost reasons, many new structures are built of wood construction. Many existing structures also have wood shake roofs. The potential for a conflagration exists due to the design and density of current structures.
10. Electrical supply and telephone communication failures occur due to high winds as well as others reasons. Water supply pumps and early notification cannot always be counted on.
11. Narrow and winding streets with little circulation and streets designed as storm drains impede emergency vehicle access and evacuation routes.

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

**REVIEWED, APPROVED AND ADOPTED this 19<sup>th</sup> day of October, 2016.**

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Brian Johsz, President  
Board of Directors  
Chino Valley Independent Fire District

**ATTEST:**

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Sandra Heney  
Clerk of the Board

I, Sandra Heney, Clerk of the Board of the Chino Valley Independent Fire District, hereby certify that foregoing Ordinance No. 2016-02 was duly introduced and placed upon its first reading at a regular meeting of the Board of Directors of the Chino Valley Independent Fire District on the 14th day of September, 2016, and that thereafter, said Ordinance was duly reviewed, approved and adopted, at a regular meeting of the Board of Directors of the Chino Valley Independent Fire District on the 19<sup>th</sup> day of October, 2016, by the following vote, to wit:

**AYES:           BOARD MEMBERS:**  
**NOES:           BOARD MEMBERS:**  
**ABSENT:       BOARD MEMBERS:**  
**ABSTAIN:      BOARD MEMBERS:**