

Lake County Fire Protection District ORDINANCE FOR ADOPTION OF THE 2019 CALIFORNIA FIRE CODE ORDINANCE NO. 2019-1202

An ordinance of the Lake County Fire Protection District adopting the 2019 edition of the California Fire Code with amendments regulating and governing the safeguarding of life and property from fire and explosion hazards 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 in the Lake County Fire Protection District; providing for the issuance of permits and collection of fees therefore; repealing any and all Fire Code Ordinances previously adopted by the Lake County Fire Protection District and all other ordinances and parts of the ordinance in conflict therewith.

The Board of Directors of the Lake County Fire Protection District does ordain as follows:

Section 1. That a certain document, one (1) copy of which is on file in the office of the Fire Chief and one (1) copy of which is on file in the office of Bureau of Fire Prevention and Investigation of the Lake County Fire Protection District, being marked and designated as the California Fire Code, 2019 edition, including Appendices A, B and C, as published by the International Code Council, be and is hereby adopted as the Fire Code of the Lake County Fire Protection District, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards 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 therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the offices of the Lake County Fire Protection District are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Additional references can be made to the current California Building Code, Public Resource Code Section, the California Electrical Code, the California Mechanical Code, the International Fire Code, Health & Safety Code, NFPA, California Title 19 & 24, the City of Clearlake Ordinances and Resolutions and the County of Lake Ordinances and Resolutions.

Section 2. That the following sections of the 2019 edition of the California Fire Code are hereby amended and changed in the following respects:

- **Section 101.1 Title** is amended to read as follows:
Section 101.1 Title. These regulations shall be known as the Fire Code of the Lake County Fire Protection District, hereinafter referred to as "this code."
- **Section 103.5 Schedule of Fees** is added to read as follows:
Section 103.5 Schedule of Fees. A schedule of fees for services including, but not limited to, plan checks, inspections, issuance of permits, personnel and equipment is established in the Lake County Fire Protection District Master Fee Schedule Ordinance No. 2019-1201. Fees may vary in depending on the complexity of the inspection or project.

- **Section 103.5.1 Citation Code and Fine Schedule** is added to read as follows:
Section 103.5.1 Citation Code and Fine Schedule. A list of Health & Safety Code violations is established per the addition of **EXHIBIT A** to the Fire Code of the Lake County Fire Protection District.

- **Section 105.1.1 Permits Required** is amended to add as follows at the end of sec. 105.1.1:
105.1.1 Permits Required. Permit fees, if any, shall be paid prior to the issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Bureau of Fire Prevention and Investigation.

- **Section 105.6.52 Local Permits is amended to read as follows:**
Section 105.6.52 Local Permits. In addition to the permits required by Section 105.6, the following operational permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following plant extraction and/or manufacturing activities, operations, practices or functions:
 1. Cultivation
 2. Extraction
 3. Distribution
 4. Manufacturing
 5. Testing/Lab
 6. Retail

- **Section 108.4 Appeals Process** of Division 2 Chapter 1 is added to read as follows:
Section 108.4 Appeals Process. The appeals process for appeals of orders, decisions, determinations or citations made by the Bureau of Fire Prevention and Investigation relative to the application and interpretation of this code shall be defined by sections 108.4.1 through 108.4.5.

- **Section 108.4.1 Initiating appeal** of Division 2 Chapter 1 is added to read as follows.
Section 108.4.1 Initiating appeal. Any beneficially interested party has the right to appeal the order served by the Bureau of Fire Prevention and Investigation by filing a written "NOTICE OF APPEAL" within ten days after service of such order. The notice shall state the order appealed from, the identity and mailing address of the appellant, and the specific grounds upon which the appeal is made.

- **Section 108.4.2 Stay of Order** of Division 2 Chapter 1 is added to read as follows:
Section 108.4.2 Stay of Order. The filing of a properly completed notice of appeal shall have the effect of staying the implementation of the order appealed from, until the final decision of appeal is issued.

Exception: Orders affecting acts or conditions which in the opinion of the Bureau of Fire Prevention and Investigation, pose an immediate threat to life, property, or the environment as a result of panic, fire, explosion, or release.

- **Section 108.4.3 Hearing of Appeal** of Division 2 Chapter 1 is added to read as follows:
Section 108.4.3 Hearing of Appeal. The following is the process for establishing and hearing appeals:
 1. The Board of Appeals, or the secretary thereof, shall set the matter to be heard at a date within thirty (30) days of receipt of such notice of appeal. Written notice of the time and place set for hearing shall be served on the appellant by

first class mail to the mailing address given in the notice of appeal at least five (5) days prior to the date set for the hearing. The Bureau of Fire Prevention and Investigation shall transmit to the Board of Appeals all records related to the appeal.

2. At the hearing on the appeal, the appellant shall in the first instance present evidence in support of the grounds enumerated in his/her notice of appeal. The Bureau of Fire Prevention and Investigation shall then present evidence in support of his/her order. The appellant and the Bureau of Fire Prevention and Investigation shall each have an opportunity to rebut the evidence presented by the other. The hearing shall be de novo in all respects.

- **Section 108.4.4 Decision of the Board of Appeals** of Division 2 Chapter 1 is added to read as follows:
Section 108.4.4 Decision of the Board of Appeals. Upon hearing the appeal, the Board of Appeals may issue a decision affirming, modifying or vacating the order of the Bureau of Fire Prevention and Investigation. The decision shall be in writing and shall be served upon the appellant by first class mail to the mailing address given in the notice of appeal.
- **Section 108.4.5 Time of Decision** of Division 2 Chapter 1 is added to read as follows:
Section 108.4.5 Time of Decision. The Board of Appeals shall have the power to continue any hearing and may, in its discretion, take the appeal under submission. The Board of Appeals shall render a decision not later than the seven (7) days following the date the matter was taken under submission, and forthwith notify the interested parties as previously set forth.
- **Section 903.2.8.1 Group R-3 is amended to read as follows:**
903.2.8.1 Group R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies and shall be provided throughout all one (1) and two (2) family dwellings regardless of square footage in accordance with the California Residential Code. An automatic sprinkler system shall be installed in all mobile homes, manufactured homes and multi-family manufactured home with two or more dwelling units in accordance with Title 25 of the California Code of Regulations.
- **Section 903.2.9 Group (S) is amended to read as follows:**
Section 903.2.9 Group (S). An automatic sprinkler system shall be provided throughout buildings containing a Group (S) occupancy with floor area exceeding 1,000 square feet.
- **Section 903.2.1 Group A is amended to read as follows:**
Section 903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings containing a Group A occupancy.
- **Section 903.2.3 Group E is amended as follows:**
Section 903.2.3 Group E. An automatic sprinkler system shall be provided throughout buildings containing Group E occupancies. For public school state-funded construction projects or for public school campuses, Kindergarten through 12th grade, see Section 903.2.19 through 903.2.20.
- **Section 903.2.4 Group F is amended as follows:**
Section 903.2.4 Group F. An automatic sprinkler system shall be provided throughout buildings containing Group F occupancy where the gross floor area exceeds 1,000 square feet.

- **Section 903.2.5.1 Group H is amended as follows:**
Section 903.2.5.1 Group H. An automatic sprinkler system shall be installed throughout buildings containing Group H occupancies.
- **Section 903.2.7 Group M is amended as follows:**
Section 903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing Group M where the gross floor area exceeds 1,000 square feet.
- **Section 903.6 Construction in Existing Buildings and Structures is amended as follows:**
Section 903.6 Construction in Existing Buildings and Structures. An automatic sprinkler system shall be provided throughout existing buildings and structures where required in Chapter 11 or that undergo a substantial improvement determined by the AHJ.
- **Section 907.9 Construction in Existing Buildings and Structures is amended as follows:**
Section 907.9 Construction in Existing Buildings and Structures. An approved fire alarm system shall be provided in all occupancy's, for existing buildings and structures where the floor area exceeds 1,000 square feet and required in Chapter 11.
- **Section 109.4 Violation Penalties** of Division 2 Chapter 1 is amended to read as follows:
Section 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 erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Bureau of Fire Prevention and Investigation, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor/infraction. A citation issued for violations of this code and any amendments adopted herein shall be treated as a civil penalty payable directly to the Lake County Fire Protection District and is punishable as set forth in **EXHIBIT A** plus the actual costs of all inspections required to gain compliance at the most current rate set by the Lake County Fire Protection District. Said civil penalties shall be a debt owed to Lake County Fire Protection District by the person responsible for the violation within thirty (30) days after the date of mailing of the citation unless an appeal is filed as provided in this document. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the Lake County Fire Protection District for such penalty and costs of litigation, including reasonable attorney fees.
- **Section 111.4 Failure to Comply** of Division 2 Chapter 1 is amended to read as follows:
Section 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 conditions, shall be liable to a fine payable directly to the Lake County Fire Protection District or punishable as set forth in **EXHIBIT A** plus the actual costs of all inspections required to gain compliance at the most current rate set by the Lake County Fire Protection District. This civil penalty shall be a debt owed to the Lake County Fire Protection District by the person responsible for the violation within thirty (30) days after the date of mailing of the citation unless an appeal is filed as provided for in Section 108.4.

Section 3.

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

- Section 5704.2.9.6.1 The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited shall be determined and specified upon review of submitted plans to the authority having jurisdiction.
- Section 5706.2.4.4 The geographic limits in which the storage of Class I and Class II liquids in above ground-tanks is prohibited shall be determined and specified upon review of submitted plans to the authority having jurisdiction.
- Section 5806.2 The geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited shall be determined and specified upon review of submitted plans to the authority having jurisdiction.
- Section 6104.2 The geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas shall be determined and specified upon review of submitted plans to the authority having jurisdiction.

Section 4. Upon its affective date, this ordinance shall supersede any and all previous ordinances adopting earlier versions of the Uniform Fire Code, the California Fire Code, and all other ordinances or parts of ordinances of the Lake County Fire Protection District in conflict herewith are hereby repealed.

Section 5. 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 Lake County Fire Protection District hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. 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 acquired 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. That the Clerk of the Board of Directors of the Lake County Fire Protection District is hereby ordered and directed to cause that a notice to be posted in at least two (2) public areas notifying the general public that a draft copy of this ordinance is available for review and comment at the offices of the Lake County Fire Protection District.

Section 8. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take affect and be in full force and effect from and after the date of its final passage and adoption, and before the expiration of 15 days after its passage it shall be published at least once in a newspaper of general circulation, printed and published in the County of Lake.

Term:

This ordinance shall take effect on January 16, 2021, and before the expiration of 15 days after its passage it shall be published at least once in a newspaper of general circulation, printed and published in the County of lake.

The Clerk of the Board of Directors of the Lake County Fire Protection District is hereby ordered and directed to cause that a notice to be posted in at least two (2) public areas notifying the

general public that a draft copy of this ordinance is available for review and comment at the offices of the Lake County Fire Protection District.

Adoption


The foregoing ordinance was introduced before the Board of the Directors of the Lake County Fire Protection District on the 18th day of November 2020 and passed by the following vote on the 16th day of December 2020.

AYES: Dean, Fults, Loustalot, Moore, Snyder, Watson

NOES: None

ABSENT OR ABSTAIN: Spriet

ATTEST:



Chairperson of the Board of Directors



Clerk of the Board of Directors