

ORDINANCE NO. 2022-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, KNOWN AS THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9 (CCR, T-24, P-9), INCORPORATING THE INTERNATIONAL FIRE CODE, 2021 EDITION PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS, AND AMENDING TITLE 11 OF THE LA MESA MUNICIPAL CODE AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH

THE CITY COUNCIL OF THE CITY OF LA MESA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings of local conditions. Pursuant to Health and Safety Code Section 17958, the City Council makes the following finding:

- A. Hot summer Mediterranean climate (Koppen), hilly terrain, density of development, canyons and dry dense brush, and the environment existing in the City of La Mesa constitute local conditions which require the California Fire Code be modified as expressed therein.

SECTION 2. Chapter 11.04 of the La Mesa Municipal Code is hereby repealed in its entirety and rewritten to read as follows:

Chapter 11.04
FIRE CODE

11.04.010 California Fire Codes, 2022 Edition – Adopted by reference

The California Fire Code, 2022 Edition, and including Appendix Chapters 4, B, BB, C, CC, H, and O but excluding section 109 and 112.4 as published by the International Code Council, is adopted by reference as the fire code of the city (the "fire code"), for protecting the interests of health, life and safety as they relate to the use or occupancy of building or premises. All of the regulations, provisions, penalties, conditions and terms of the California Fire Code 2022 Edition, are referred to, adopted and made a part of this chapter as though fully set out in this chapter, excepting such portions as are added, deleted, modified or amended by this chapter. The California Fire Code is referred to in this chapter as the "CFC" and one copy is on file in the office of the city clerk.

11.04.020 – Repealing of Previous Ordinance

Ordinance 2019-2875 of the City of La Mesa adopting by reference the California Fire Code, 2019 Edition, known as the California Code of Regulations, Title 24, Part 9 incorporating the International Fire Code, 2018 Edition, published by the International Code Council, and all other ordinances or parts of ordinance in conflict herewith are hereby repealed.

11.04.030 Section 101.1 Amended - Title

Section 101.1 of the CFC is amended to read as follows:

101.1 Title. These regulations will be known as the Fire Code of the City of La Mesa, hereinafter referred to as "this code".

11.04.040 Section 105.3.1 Amended – Expiration

Section 105.3.1 of the CFC is amended to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within one hundred eighty days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty days after the time the work is commenced. If a final inspection is not obtained within the three-year time period, a permit will become invalid and a new permit will be required. Before such work commences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any changes in occupancy, operation, and tenancy or owner shall require that a new permit be issued.

11.04.080 Section 107 Amended and Added – Schedule of Fees

Section 107.2 of the CFC is amended to read as follows:

107.2 Schedule of fees. The permit fees for all permits authorized by this code shall be as listed in the City of La Mesa Schedule of Fees.

Section 107.5 of the CFC is added to read as follows:

107.7 Cost Recovery. This section is to establish authority to obtain reimbursements from responsible individuals for the expenses of any emergency response and/or code enforcement action by the City of La mesa Fire Department to protect the public from fire or hazardous substances and situations as allowed by the general laws if the State of California and the La Mesa Municipal Code.

Section 107. 7 of the CFC is added to read as follows:

107.7 Reimbursements. (a) in accordance with the Health as Safety Code Section 13000 et seq., any individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substances shall be liable for reimbursement to the agency for the cost incurred.(b) In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft caused by that influence, proximately causes any incident and thereby requires that agency to provide an emergency response shall reimburse the agency for the cost incurred.

Section 107.8 of the CFC is added to read as follows:

107.8 Expense Recovery. This section establishes authority to obtain from responsible individuals for the expanse of any emergency response and/or enforcement action by the City of

La Mesa Fire Department to protect the public from fire, hazardous substances and dangerous situations as allowed under the La Mesa Municipal Code and by laws if the State of California.

Section 107.9 of the CFC is added to read as follows: 107.9 Cumulative Remedies. The remedies contained in this code are cumulative and inclusive of other remedies contained in the La Mesa Municipal Code. Nothing herein prevents the City Attorney or appropriate enforcement officer from pursuing remedies at law or equity to address violations of this code. Nothing herein shall prevent the application of civil remedies authorized by La Mesa Municipal Code Section 1.12.010(e).

11.04.050 Section 111 Amended - Board of Appeals

Section 111 of the CFC is amended to read as follows:

Appeals Board. Appeals to the decisions or determinations made by the Fire Marshal or Fire Code Official relative to the application and interpretation of the Fire Code adopted by the City, the applicant may appeal the decision to the Fire Chief and the City Manager within thirty (30) days from the date of the decision appealed and further defined in the City of La Mesa Municipal Code 11 .12. 030.

11.04.060 Section 112.4 Amended - Violation Penalties

Section 112.4 is amended to read as follows:

Violation Penalties. Any person who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall to erect, install, alter, repair or do work in violation of the approved construction documents or lawful directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction or misdemeanor, punishable by a fine of not more than \$1,000 dollars or by imprisonment in the County jail not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined by the fire code official: and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

11.04.070 Section 113.4 Amended - Failure to Comply

Section 113.4 of the CFC is amended to read as follows:

Section 113.4 Failure to Comply. Any person, who shall continue any work having been served with a stop work notice, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250 dollars or more than \$1,000 dollars.

11.04.090 Section 202 Amended – Definitions

Section 202 of the CFC is amended by adding the following definitions:

Accessory Structure is a building or structure used to shelter or support any material, equipment, chattel, or occupancy other than a habitable building. (A) (See Structure).

Combustible Vegetation is material that in its natural state will readily ignite, burn and transmit fire from the vegetation growth to any structure: this includes ground fuels which are any native or landscape vegetation not considered a tree and generally in contact with the ground.

Fire Authority Having Jurisdiction (FAHJ) is the designated entity providing enforcement if the fire regulations as they relate to planning, construction, and development. This entity may also provide fire suppression and other emergency services.

Fire Department is any regularly organized fire department, fire protection district, a legally formed volunteer fire department recorded with the County of San Diego, or a fire company regularly charged with the responsibility of providing fire protection to the jurisdiction.

Fire Hazard is anything that increases or could create an increase of hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or egress of the occupants in the event of fire.

Fuel Modification Zone is a strip of land where combustible vegetation has been thinned, modified or both and partially or totally replaced with approved drought tolerant, fire resistant, and/or irrigated plants to provide an acceptable level of risk from vegetation fires. Fuel modification reduces radiant and convective heat, thereby reducing the amount of heat exposure on the roadway or structure and providing fire suppression forces a safer area in which to operate.

Hazardous Fire Area is any geographic area mapped by State or local jurisdiction as a high or very high fire hazard area, or as set forth by the FAHJ that contains the type and condition of vegetation, topography, weather, and structure density to potentially increase the possibility of vegetation conflagration fires shall be considered a hazardous fire area.

Heavy Timber Construction as described in the California Building Code.

Off-site Roadway is a road, street, public highway, or private road, used for fire apparatus, access from a publicly maintained road to the boundary of the subject property.

On-site Roadway is a road, street, public highway, private road, or driveway used for fire apparatus access within the boundaries of the subject property or land division. Planning Authority Having Jurisdiction (PAHJ) is the identified authority regulating and enforcing planning and/or construction standards.

Response Time is the elapsed time from the fire department's receipt of the first alarm to when the first fire unit arrives on the scene.

Travel Time is the estimated time it would take for a responding agency to travel from the fire station to the furthest structure in a proposed development project, determined by measuring the safest, most direct, appropriate, and reliable route with consideration given to safe operating speeds for heavy fire apparatus.

Vegetation Conflagration is an uncontrolled fire spreading through vegetative fuels, and exposing and consuming structures in the advancing path of fire.

11.04.100 Section 503.2.1 Amended – Dimensions

Section 503.2.1 of the CFC is amended to read as follows:

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed improved width of not less than twenty (20) feet, except for single family residential driveways not to exceed 150 feet in length from the public-right-a-way and serving no more than two single family dwellings, shall have a minimum of sixteen (16) feet unobstructed improved width. Any of the following, which have separated lanes of one-way traffic: gated entrances with card readers; guard stations or center medians, are allowed, provided that each lane is not less than fourteen (14) feet wide. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen feet six inches (13'6"). Vertical clearance or road width shall be increased when, in the opinion of the fire code official, vertical clearances or road widths are not adequate to provide fire apparatus access.

11.04.040 Section 503.1 Added – Fire Lane Designation

Section 503.3.1 of the CFC is added to read as follows:

503.3.1 Fire lane designation. Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code Section 22500.1 (public) or 22658(a) (private).

11.04.010 Section 505.1 Amended – Address Identification

Section 505.1 of the CFC is amended to read as follows:

Section 505.1 Address Identification. Address Numbers. Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: minimum three inches (3") high with a one-half inch (~"- stroke for individual suites and apartments, minimum four inches (4") high with a one-half inch (1/2") stroke for residential buildings, minimum eight inches (8") high and one-half (1/2") stroke for commercial, multi-residential building, and industrial buildings. Additional numbers shall be required where deemed necessary by the fire code official, such as rear access doors, building corners, and entrances to commercial centers. The fire code official may require larger address numbers based on visibility and the needs of emergency response personnel.

11.04.130 Section 505.3 Added – Response Map Updates

Section 505.3 of the CFC is added to read as follows:

505.3 Response map Updates. Any new development, which necessitates updating of the emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format compatible with current department mapping services, and shall be charged a reasonable fee for updating all response maps.

11.04.200 Section 5704.2.9.6.1 Amended – Location where above-ground tank are prohibited

Section 5704.2.9.6.1 of the CFC is amended to read as follows:

Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

11.04.210 Section 5706.2.4.4 Amended – Location where above-ground tank are prohibited

Section 5704.2.4.4 of the CFC is amended to read as follows:

5705.2.4.4 Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

11.04.220 Section 5806.2 Amended – Limitations

Section 5806.2 of the CFC is amended to read as follows:

5802.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited except for zones classified as commercial or industrial.

11.04.230 Section 6104.2 Amended – Maximum capacity within established limits

Section 6104.2 of the CFC is amended to read as follows:

6104.2 Maximum capacity within established limits. The geographic limits in which the bulk storage of liquefied petroleum gas is prohibited for the protection of heavily populated and congested areas is hereby established as jurisdiction limits of the City of La Mesa except for areas zoned for industrial use."

SECTION 3. Constitutionality. 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 Council of the City of La Mesa hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, respective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional. If any provision of this Ordinance or application thereof to any person or circumstances is held invalid. Such invalidity shall not affect other provisions or applications and, to this end, the provisions of the Ordinance are declared to be severable.

SECTION 4. This Ordinance shall be effective January 1, 2023 and the City Clerk of the City of La Mesa is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing the *Daily Transcript*, a newspaper of general circulation published in the City of La Mesa.

INTRODUCED AND FIRST READ at a Regular meeting of the City Council of the City of La Mesa, California, held the 8th day of November 2022, and thereafter PASSED AND ADOPTED at a Regular meeting of said City Council held the 22nd day of November 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

APPROVED:

MARK ARAPOSTATHIS, Mayor

ATTEST:

MEGAN WIEGELMAN, CMC, City Clerk

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 2022-2XXX duly passed and adopted by the City Council of said City on the date and by the vote therein recited and that the same has been duly published according to law.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)