

ORDINANCE NO.13-0028

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH, ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, AND PORTIONS OF THE INTERNATIONAL FIRE CODE, 2012 EDITION, TOGETHER WITH CERTAIN AMENDMENTS, DELETIONS, AND ADDITIONS, AND AMENDING TITLE 3 OF THE MANHATTAN BEACH MUNICIPAL CODE.

The City Council of the City of Manhattan Beach does ordain as follows:

SECTION 1: FINDINGS. The City Council finds that certain local climatic, geological, or topographical conditions exist as follows:

- A. Climatic - The City experiences periods of extremely high temperatures accompanied by low humidity and high winds each year. These conditions could create an environment in which the Fire Department may be unable to control fires occurring in vegetation as well as structures not having built in fire protection.
- B. Geological - The City is located in a seismically active area. A significant earthquake could render the Fire Department incapable of providing adequate fire protection. In that instance, built-in fire protection would be relied upon for controlling most structural fires.
- C. After due consideration, the City Council finds and determines that due to these local climatic, geological, and/or topographical conditions, that amendments, additions, and deletions to the California Fire Code, 2013 Edition, are reasonably necessary to provide sufficient and effective levels of fire safety for the protection of life, health and property. Specifically, the local conditions described above, justify and require the following amendments:
 - 1. CFC § 901.4.1.1 – 910.1. Provides a means of ensuring that fire protection systems are installed and maintained in a manner that will provide adequate protection during periods of low humidity and high winds, potential seismic activity, or in areas of restricted access present in the City.

SECTION 2: ADOPTION OF CODES. Pursuant to California Government Code §§ 50022.1 to 50022.8, the City adopts and incorporates by reference the California Fire Code, 2013 Edition (“CFC”), including Appendices B and C drafted and published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington DC, 20001-2070 and the California Building Standards Commission, 2525, Natoma Park Drive, Ste 130, Sacramento, California 95833. The City also adopts and incorporates by reference those provisions of the International Fire Code, 2012 Edition (“IFC”), but excluding Section 103, published by the International Code Council, that are not included in the California Building Standards Code, as adopted, modified and amended by this chapter. Should the provisions set forth below in this Ordinance conflict with the provisions of any other locally adopted code, these provisions will prevail. The CFC and specified provisions of the IFC will apply to all occupancies within the City’s jurisdiction. One (1) true copy of each code is on file with the City Clerk and is available for public inspection as required by law.

SECTION 3: Chapter 3.16 OF Title 3 of the Manhattan Municipal Code is hereby amended as follows:

“3.16.010 Adoption of 2013 California Fire Code.

Pursuant to the provisions of sections 50022.1 to 50022.10, inclusive, of the Government Code of the State and subject to the particular additions, deletions, amendments set forth in this chapter, the rules, regulations, provisions, standards and conditions set forth in that certain Code known as the California Fire Code, 2013 Edition, including Appendices B and C, two full printed copies of which, printed as a code in book form, which the City Council ordered filed and which have been filed in the office of the

City Clerk, and which are expressly incorporated herein and made a part hereof as fully and for all intents and purposes as though set forth herein at length, are hereby established and adopted by reference as the rules, regulations, provisions, standards and conditions to be observed and followed, and which shall control within the City, for the safe guarding of life and property from the hazard of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and the same are collectively designated and may be known and referenced to as the "Fire Prevention Code" of the City of Manhattan Beach.

3.16.020 Fire Code Amendments

The California Fire Code, 2013 Edition, is amended by the revision and/or addition of the following sections to read as follows:

106.2.1 Inspection requests. It is the duty of the person doing the work authorized by a permit to notify the fire code official that such work is ready for inspection. Every request for inspection must be filed not less than two working days before such inspection is desired. Such request may be in writing or by telephone.

104.11.4 Financial responsibility. Any person who personally, or through another, willfully, negligently, or in violation of law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by him/her to escape from his/her control, allows any hazardous material to be handled, stored, disposed of, or transported in a manner not in accordance with this Code, State law or nationally recognized Standards, allows any hazardous material to escape from his/her control, allows continuation of a violation of this Code is liable for the expense of fighting the fire or for the expenses incurred during a hazardous materials incident, and such expense will be a charge against that person.

104.10 Investigations. The Fire Department is authorized to promptly investigate the cause, origin and circumstances of each and every fire, explosion, unauthorized release of hazardous materials, or any other hazardous condition within the City. If it appears to the bureau of investigation that such fire is suspicious in origin, it is authorized to take immediate charge of all physical evidence relating to the cause of fire and to pursue investigation to its conclusion.

104.10.1 Assistance from other agencies. The Police Department and other public agencies are authorized to assist the Fire Department in its investigations when requested to do so.

104.7.2 Technical assistance. When there is a fire, explosion, hazardous materials incident or other potential life or serious property threatening situation, the fire code official can request the owner to or operator to hire a private fire protection or hazardous materials investigator, acceptable to the fire code official and at the expense of the owner or operator, to provide a full report of the incident, including, without limitation, such matters as origin, cause, circumstances or proposed solution to the problem.

105.2 Application for permit. Applications for permits will be made to the fire prevention office in such form and detail as prescribed by the fire code official. Applications for permits must be accompanied by such plans as required by the fire code official. Any applicable permit fees must be paid at the time of application for the permit.

105.6.49 Woodworking. An Operational Permit shall be required to operate a business which conducts woodworking, or operates as a cabinet shop or other similar purposes.

202 GENERAL DEFINITIONS is amended to add and/or modify the following definitions to read as follows:

"Administrator" means the City Manager, or designee, of the city of Manhattan Beach.

"Building Access" means an exterior door opening conforming to all of the following:

1. Suitable and available for fire department use, opening onto or adjacent to a public way or a fire department access road as described in Section 902.

2. Located not more than 2 feet (609.6 mm) above adjacent ground level.
3. Leading to a space, room or area having foot traffic communication capabilities with the remainder of the building.
4. Designed to permit access with the use of keys available in an approved key lock box.
5. "Fire Code Official" is the Fire Chief or a duly authorized representative.
6. "High-Rise Building" Is every building of any type of construction or occupancy having floors for human occupancy located more than 55 feet above the lowest level of fire vehicle access.

405.2 Table 405.2 Footnote 'a'

- a. The frequency in all school levels shall be allowed to be modified in accordance with Section 408.3.2. Secondary level schools need only conduct evacuation drills twice each school year.

503.1.1 Buildings and facilities. Approved fire apparatus access roads must be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road must comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the of the first story of the building as measured by an approved route around the exterior of the building or facility. The fire code official has the authority to designate fire apparatus access roads on private property.

Exception: The fire code official is authorized to decrease the foregoing distance to less than 150 feet (45,720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads cannot be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 must be maintained at all times. Speed bumps and speed humps must be approved before installation.

505.1 Address numbers. Approved address numbers and letters must be placed on all new and existing buildings and units in such a location as to be plainly visible and legible from the street or road fronting such buildings and units. Numbers and letters must be at least four (4) inches in height for residential, six (6) inches in height for commercial, and twelve (12) inches in height for industrial buildings and units and may not be located on doors or other areas that can be obstructed from view. The numbers and letters will be in a color that contrasts with their background and must be in the City's approved numbering sequence. Commercial and industrial buildings and units that are served by an alley must also have approved address numbers and letters posted in a visible location near the primary door to the alley.

505.1.1 Directory. For complexes and large buildings, a directory or premises map with approved addressing must be installed and maintained at a location and in format as approved by the fire code official.

503.2.1 Dimensions. Fire apparatus access roads must have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 15 feet (4572 mm).

EXCEPTIONS:

1. When serving only one Group R Residential, Division 3 or Group U Occupancy the unobstructed width of the access road may be 12 feet (3658 mm).

503.2.1.1 Access roads with vehicle parking. No access roads can be less than 32 feet (9754 mm) in width if the vehicle parking is permitted on one side of the access road and not less than 40 feet (12,192 mm) if vehicle parking is permitted on both sides of the access road. To permit the free passage of vehicles, access roads designated for vehicle parking on only one side must have signs or markings prohibiting the parking of vehicles on the traffic flow side of the roadway.

901.4.7 Partial fire sprinkler systems. Where in this Code or the Building Code a partial fire sprinkler system is required, the fire sprinkler system must be installed, modified or extended to protect the entire building or structure.

901.11 Problematic systems. In the event of a failure of a fire protection system or 2 or more alarms in a week where the fire code official finds no evidence of a situation requiring a response, the fire code official is authorized to require the building owner or occupant to provide a fire watch until the system is repaired. Fire watch personnel shall be provided with at least one approved means for notification of the Fire Department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires. The fire code official shall determine the length of time the fire watch will be in effect.

903.2.0.1 All Occupancies not including Group R Residential Division 3 and Group U, An Automatic Sprinkler System is Required in addition to all applicable items as listed within this section. An automatic sprinkler system shall be installed throughout all new structures that exceed 2,000 square feet in gross floor area or exceeds two stories in height, and any additional structures attached thereto. No bells are allowed in water flow systems. Only a horn strobe shall be allowed as the water flow audible device.

903.2.0.2 Existing Commercial Occupancies not including Group R Residential, Division 3. An automatic sprinkler system shall be installed in all existing commercial occupancies whenever:

1. An addition or remodel causes the occupancy to exceed 2,000 square feet in gross floor area, or exceeds two stories in height.
2. The occupancy is 2,000 square feet or greater in gross floor area and a remodel or addition causes the valuation of the project at 50% or greater established by the building department.

903.2.0.8 Group R Residential, Division 3 Occupancies and Group U.

An automatic sprinkler system shall be installed in all new garages.

An automatic sprinkler system shall be installed in **existing** attached garages when a remodel causes an increase in square footage to the garage or when the remodel causes living area to be added next to or above the garage.

903.2.3 Group E, Item 1. Item 1 is revised to read as follows:

1. Throughout all Group E floor areas greater than 2,000 square feet in area.

903.3 Installation requirements. *Automatic sprinkler systems* shall be designed and installed in accordance with sections 903.3.1.1. and 903.2.0.9. All one or two unit single family dwellings must adhere to the Manhattan Beach Fire Department Minimum Requirements for NFPA 13D Fire Sprinkler Systems.

903.3.1.2. Protection of attached garages. Residential occupancies protected by an automatic sprinkler system in accordance with NFPA 13R or NFPA 13D must have automatic sprinklers installed in attached garages and in other areas as required by the fire code official.

903.3.8 Shutoff valves. Sprinkler shut off valves are required on each floor of buildings two stories or greater in height.

910.1 General. Where required by this Code or otherwise installed, smoke and heat vents or mechanical smoke exhaust systems and draft curtains must conform to the requirements of this section.

Exceptions:

1. Frozen food warehouses used solely for storage of Class I and II commodities where protected by an approved automatic sprinkler system.
2. Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, smoke and heat venting must be provided by mechanical smoke exhaust systems in accordance with Section 910.4 within these areas.

1404.8 Fire retardant plastic sheeting and tarpaulins. Fire retardant tarpaulins and sheeting must be used to barricade construction areas from occupied building spaces and to provide floor or wall protection in occupied buildings.

2306.2 Table 2306.2, Footnote 'j' is amended to read as follows:

- j. Smoke and heat removal must be accomplished by mechanical ventilation in accordance with Section 910.4 when storage areas are protected by early suppression fast response (ESFR) sprinkler systems installed in accordance with NFPA 13.

3301.1.3 Fireworks. The manufacturing, possession, storage sale, use and handling of fireworks other than "safe and sane" fireworks, is prohibited. The sale, use, and/or discharge of "Safe and Sane" fireworks is prohibited.

Exceptions:

1. Storage of fireworks in accordance with the requirements for low order explosives in Title 19, California Code of Regulations, Chapter 10.
2. Storage of fireworks, 1.4G in accordance with the Building Code.
3. Use and handling of fireworks for professional display in accordance with Title 19, California Code of Regulations, Chapter 6.

3309 Seizure of Fireworks. The fire code official has the authority to seize, take and remove fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19, California Code of Regulations, Chapter 6 and California Health and Safety Code, Chapter 9."

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines") because it consists only of minor revisions and clarifications to an existing code of construction-related regulations and specification of procedures related thereto and will not have the effect of deleting or substantially changing any regulatory standards or findings required therefor. This ordinance, therefore, is an action being taken for enhanced protection of the environment and that does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt in accordance with CEQA Guidelines §§ 15301 as a minor alteration of existing public or private structures involving no expansion of use; 15305 as a minor alteration in land use limitations which do not result in any changes

in land use or density; and 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

SECTION 5. PENALTIES. It shall be unlawful for any person, firm, partnership, or corporation to violate any provision or to fail to comply with any of the requirements of this Ordinance or the Codes hereby adopted. Unless a violation is deemed therein to be an infraction, any person, firm, partnership, or corporation violating any provision of the Ordinance or the Codes hereby adopted or failing to comply with any of their requirements shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Ordinance or the Codes hereby adopted is committed, continued or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefore as provided in this Ordinance.

SECTION 6. SAVINGS CLAUSE. Repeal of any provision of the Manhattan Beach Municipal Code or any city ordinance herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part or ordinance will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 8. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Manhattan Beach's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 9. This Ordinance will become effective thirty (30) days following its passage and adoption, but no sooner than January 1, 2014.

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk