

ORDINANCE NO. 5076**ORDINANCE REPEALING CHAPTER 7.92 OF THE SANTA CRUZ COUNTY CODE AND THEREAFTER ADDING NEW CHAPTER 7.92 TO THE SANTA CRUZ COUNTY CODE ADOPTING AND THEN AMENDING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 7.92 of the Santa Cruz County Code as enacted by Ordinance No. 4893 is hereby repealed.

SECTION II

The Santa Cruz County Code is hereby amended by adding new Chapter 7.92 to read as follows:

**Chapter 7.92
FIRE CODE**

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| 7.92.010 | International Fire Code Adopted. |
| 7.92.010.1 | Section 101.1 is amended - Title. |
| 7.92.102.9 | Section 102.9 amended - Matters Not Provided For. |
| 7.92.105.1 | Section 105.1 amended - General. |
| 7.92.105.1.1 | Section 105.1.1 amended - Permit Required. |
| 7.92.105.2 | Section 105.2 amended - Application. |
| 7.92.108 | Section 108.1 amended - Board of Appeals Established. |
| 7.92.108.3 | Section 108.3 deleted - Qualifications. |
| 7.92.108.4 | Section 108.4 added - Appeals Process. |
| 7.92.109.3 | Section 109.3 is amended - Violation penalties. |
| 7.92.111.4 | Section 111.4 is amended - Failure to comply. |
| 7.92.202 | Section 202 is amended - Definitions |
| 7.92.304.1.2 | Section 304.1.2 is amended - Vegetation. |
| 7.92.307.2 | Section 307.2 is amended – Open Burning and Recreational Fires. |
| 7.92.308.1.4 | Section 308.1.4 deleted – Open-Flame cooking devices. |
| 7.92.311.5 | Section 311.5 is amended - Placards. |
| 7.92.405.2 | Table 405.2 Footnote 'a' is amended - Fire and Evacuation Drill Frequency and Participation. |
| 7.92.501.3 | Section 501.3 is amended - Construction Documents. |
| 7.92.502.1 | Section 502.1 is amended - Definitions. |
| 7.92.503.2.1 | Section 503.2.1 is amended - Dimensions. |
| 7.92.503.2.6 | Section 503.2.6 is amended - Bridges and Elevated Surfaces. |
| 7.92.503.2.6.1 | Section 503.2.6.1 is added - Width. |
| 7.92.503.2.6.2 | Section 503.2.6.2 is added - Certification. |

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| 7.92.503.2.6.3 | Section 503.2.6.3 is added - Recertification. |
| 7.92.503.2.6.4 | Section 503.2.6.4 is added - Existing Private Bridges. |
| 7.92.503.2.6.5 | Section 503.2.6.5 is added - Fees. |
| 7.92.505.2 | Section 505.2 is amended - Street and Road Signs. |
| 7.92.507.1 | Section 507.1 is amended - Required Water Supply. |
| 7.92.507.5.7 | Section 507.5.7 is added - Painting. |
| 7.92.605.11 | Section 605.11 is added – Solar Photovoltaic Power Systems. |
| 7.92.605.12 | Section 605.12 is added - Alternate Power Sources. |
| 7.92.903.1 | IFC Sections 903.1 through 903.2.10.3 are deleted and replaced- Automatic Sprinkler Systems. |
| 7.92.903.3.1.3 | Section 903.3.1.3 is amended - NFPA 13D Sprinkler Systems. |
| 7.92.903.6.1 | Section 903.6.1 is amended - Pyroxylin plastics. |
| 7.92.2205.1 | Section 2205.1 is amended - Tank filling operations for Class I, II or IIIA liquids. |
| 7.92.2205.1.1 | Section 2205.1.1 is amended – Delivery vehicle location. |
| 7.92.2206.2 | Section 2206.2 is amended - Method of storage. |
| 7.92.2206.2.1 | Section 2206.2.1 is amended - Underground tanks. |
| 7.92.2206.2.2 | Section 2206.2.2 is amended - Aboveground tanks located inside buildings. |
| 7.92.2206.2.3 | Section 2206.2.3 is amended - Aboveground tanks located outside, above grade. |
| 7.92.2206.2.4 | Section 2206.2.4 is amended - Aboveground tanks located in above-grade vaults or below-grade vaults. |
| 7.92.2206.2.4.2 | Section 2206.2.4.2 is amended - Fleet vehicle motor fuel-dispensing facilities. |
| 7.92.2206.2.5 | Section 2206.2.5 is amended - Portable tanks. |
| 7.92.2206.2.6 | Section 2206.2.6 is amended - Special enclosures. |
| 7.92.2206.6.2 | Section 2206.6.2 is amended - Piping, valves, fittings and ancillary equipment for aboveground tanks for Class I, II and IIIA liquids. |
| 7.92.2206.7.6 | Section 2206.7.6 is amended - Fuel delivery nozzles. |
| 7.92.2206.7.6.1 | Section 2206.7.6.1 is amended - Special requirements for nozzles. |
| 7.92.2210.1 | Section 2210.1 is amended - General. |
| 7.92.2210.2 | Section 2210.2 is amended - Storage and handling. |
| 7.92.2210.2.1 | Section 2210.2.1 is amended - Class I, II or III liquid fuel storage. |
| 7.92.2210.2.2 | Section 2210.2.2 is amended - Class II or IIIA liquid storage and dispensing. |
| 7.92.2210.2.3 | Section 2210.2.3 is amended - Heating equipment. |
| 7.92.2210.3.2 | Section 2210.3.2 is amended - Supervision. |
| 7.92.2210.3.3 | Section 2210.3.3 is amended - Hoses and nozzles. |
| 7.92.2210.3.4 | Section 2210.3.4 is amended - Portable containers. |
| 7.92.2210.5.2 | Section 2210.5.2 is amended - Spills. |
| 7.92.3003.5.3 | Section 3003.5.3 is amended - Securing compressed gas containers, cylinders and tanks. |
| 7.92.3300 | IFC Chapter 33 is deleted and replaced – Explosives and Fireworks. |
| 7.92.3301.1 | Section 3301.1 is added - Scope |
| 7.92.3302 | Section 3302 is added – Display Fireworks. |

- 7.92.3804.2 Section 3804.2 is amended - Maximum Capacity.
 7.92.5000 Chapter 50 [Reserved for future]
 7.92.5100 Chapter 51 [Reserved for future]
 7.92.5200 Chapter 52, starting with Section 5201, is added - Suppression and Control of Hazardous Fire Areas.
 7.92.5300 Chapter 53 [Reserved for future]

7.92.010 International Fire Code Adopted.

That portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, 2009 Edition published by the International Code Council and the California Building Standards Commission with errata, together with those portions of the International Fire Code, 2009 Edition, including Appendix Chapters B, C, and J published by the International Code Council not included in the California Building Standards Code, as modified and amended by this ordinance, are adopted by this reference into code, and are hereby collectively declared to be the Fire Code of Santa Cruz County.

7.92.101.1 Section 101.1 is amended – Title.

Section 101.1 of Chapter 1 of the Fire Code of Santa Cruz County is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of Santa Cruz County, hereinafter referred to as “this code.”

7.92.102.9 Section 102.9 amended - Matters Not Provided For.

Section 102.9 of Chapter 1 of the Fire Code of Santa Cruz County is amended to read as follows:

102.9 - Matters Not Provided For. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official.

The fire chief is authorized to render interpretations of this code and to make and enforce rules, supplemental regulations and standards in order to carry out the application and intent of its provisions. Such interpretations, rules, regulations and standards shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours. Those standards promulgated by the Santa Cruz County Fire Chiefs Association shall be deemed as prima facie evidence of compliance with this code.

7.92.105.1 Section 105.1 amended – General.

Section 105 of Chapter 1 of the Fire Code of Santa Cruz County is amended to read as follows:

105.1 - General. Permits shall be in accordance with Sections 105.1.1 through 105.7.13 or other provisions of this code as required by the jurisdiction having authority.

7.92.105.1.1 Section 105.1.1 amended - Permit Required.

Section 105.1.1 of Chapter 1 of the Fire Code of Santa Cruz County is amended to read as follows:

105.1.1 – Permit Required. When required by the fire code official, a permit shall be obtained. Permit fees, if any, shall be paid prior to 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 fire code official.

7.92.105.2 Section 105.2 amended - Application.

Section 105.2 of Chapter 1 of the Fire Code of Santa Cruz County is amended to read as follows:

105.2 – Application. Application for a permit, when required by the fire code official, shall be made in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official.

7.92.108.1 Section 108.1 amended - Board of Appeals Established.

Section 108.1 of Chapter 1 of the Fire Code of Santa Cruz County is amended to read as follows:

108.1 - Board of Appeals Established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be the Board of Supervisors. The fire code official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board may adopt additional rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

7.92.108.3 Section 108.3 deleted – Qualifications

Section 108.3 of Chapter 1 of the Fire Code of Santa Cruz County is deleted.

7.92.108.4 Section 108.4 added – Appeals Process

Section 108.4 of Chapter 1 of the Fire Code of Santa Cruz County is added to read as follows:

108.4.1 - Initiating Appeal. Any beneficially interested party has the right to appeal the order served by the fire code official by filing a written “NOTICE OF APPEAL” with the office of the fire code official within fourteen calendar 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.

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.

EXCEPTION: Orders affecting acts or conditions which in the opinion of the fire code official, pose an immediate threat to life, property, or the environment as a result of panic, fire, explosion, or release.

108.4.3 - Hearing of Appeal. 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 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 days prior to the date set for the hearing. The fire code official 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 her/his notice of appeal. The fire code official shall next present evidence in support of her/his order. The appellant and the fire code official shall each have one opportunity to rebut the evidence presented by the other. The hearing shall be de novo in all respects.

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 fire code official. 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.

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 seventh day following the date the matter was taken under submission, and forthwith notify the interested parties as previously set forth.

7.92.109.3 Section 109.3 is amended – Violation penalties.

Section 109.3 of Chapter 1 of the Fire Code of Santa Cruz County is amended to read as follows:

109.3 – 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 of a permit or certificate used under provisions of this code, shall be guilty of an infraction, punishable as set forth in Section 1.12.040 of the Santa Cruz County Code, plus court assigned fees. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

7.92.109.3.1 Section 109.3.1 is amended – Abatement of violation.

Section 109.3.1 of Chapter 1 of the Fire Code of Santa Cruz County is amended to read as follows:

109.3.1 – Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. Any violation of this code shall be deemed a public nuisance pursuant to Santa Cruz County Code Section 1.12.030 and/or the Fire Code of Santa Cruz County. In the event that a public nuisance is not abated in accordance with the fire code official's order or the order of the Board of Appeals, if any, the fire code official may, upon securing approval of the

Board of Supervisors of Santa Cruz County, proceed to abate the nuisance by force account, contract, or any other method deemed most expedient by the Board. The cost of such abatement may be charged to the owner of record, or assessed to the property in a manner provided in Sections 1.14.040 through 1.14.080 of the Santa Cruz County Code.

7.92.109.3.2 Section 109.3.2 is added – Enforcement.

Section 109.3.2 of Chapter 1 of the Fire Code of Santa Cruz County is added to read as follows:

109.3.2 - Enforcement. The fire code official and her/his delegated subordinates, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, are hereby authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person has committed a violation of any of the provisions of this code in their presence. Upon making such an arrest, the fire code official or her/his delegated subordinate shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions of which are hereby adopted by reference as part of this Section.

7.92.111.4 Section 111.4 is amended – Failure to comply.

Section 111.4 of Chapter 1 of the Fire Code of Santa Cruz County is amended to read as follows:

111.4 Failure to comply. It is unlawful for any person, firm or corporation to violate or fail to comply with any lawful order of the fire code official; fail to comply with an order by the Board of Appeals; or, fail to comply with an order of the court of competent jurisdiction within the time fixed therein. Every such violation shall be deemed a misdemeanor and shall be punishable as set forth in Section 1.12.030 of the Santa Cruz County Code.

7.92.202 Section 202 is amended – Definition of Building Area.

Definition of Building Area in Section 202 of Chapter 2 of the Fire Code of Santa Cruz County is added after British Thermal Unit to read as follows:

BUILDING AREA. The area included within surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

Section 202 is amended – Definition of De Novo.

Definition of De Novo in Section 202 of Chapter 2 of the Fire Code of Santa Cruz County is added after Deluge System to read as follows:

DE NOVO. adj. Latin for "anew," which means starting over, as in a trial de novo. For example, a decision in a small claims case may be appealed to a local trial court, which may try the case again, de novo.

Section 202 is amended – Definition of Fire Chief.

Definition of Fire Chief in Section 202 of Chapter 2 of the Fire Code of Santa Cruz County is amended to read as follows:

FIRE CHIEF. The Chief of the Santa Cruz County Fire Department.

Section 202 is amended – Definition of Hazardous Fire Area.

Definition of Hazardous Fire Area in Section 202 of Chapter 2 of the Fire Code of Santa Cruz County is added after Handrail to read as follows:

HAZARDOUS FIRE AREA. Land that is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. The declaration of a hazardous fire area shall be made by the fire chief for purposes of this code and shall not contradict with hazardous fire areas as defined by the California Public Resources Code.

Section 202 is amended – Definition of Public Nuisance.

Definition of Public Nuisance in Section 202 of Chapter 2 of the Fire Code of Santa Cruz County is added after Proximate Audience to read as follows:

PUBLIC NUISANCE. The unreasonable, unwarranted and/or unlawful use of property, which causes inconvenience, danger or damage to others, either to individuals and/or to the general public. Nuisances may include, but not be limited to noxious smells, noise, burning, unauthorized collections or storage of hazardous materials.

Section 202 is amended – Definition of Stage.

Definition of Stage in Section 202 of Chapter 2 of the Fire Code of Santa Cruz County is added after Spraying Space to read as follows:

STAGE. A space within a building utilized for entertainment or presentations, which includes overhead hanging curtains, drops, scenery or stage effects other than lighting and sound. Stage area shall be measured to include the entire performance area and adjacent backstage and support areas not separated from the performance area by fire-resistance rated construction. Stage height shall be measured from the lowest point on the stage floor to the highest point of the roof or floor deck above the stage.

Section 202 is amended – Definition of State Responsibility Area (SRA).

Definition of State Responsibility Area (SRA) in Section 202 of Chapter 2 of the Fire Code of Santa Cruz County is added after Stage to read as follows:

STATE RESPONSIBILITY AREA (SRA) shall mean lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the State of California.

Section 202 is amended – Yard.

Definition of Yard in Section 202 of Chapter 2 of the Fire Code of Santa Cruz County is added after State Responsibility Area (SRA) to read as follows:

YARD. An open space, other than a court, unobstructed from the ground to the sky on the lot on which a building is situated.

7.92.304.1.2 Section 304.1.2 is amended – Vegetation.

Section 304.1.2 of Chapter 3 of the Fire Code of Santa Cruz County is amended to read as follows:

304.1.2 – Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be maintained around and adjacent to buildings and structures. A firebreak shall be made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any building or structure.

When required by state law, or local ordinance, rule or regulation, an additional fire protection zone or firebreak may be made by removing all brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to the property line. This section does not prevent an insurance company that insures a building or structure from requiring the owner of the building or structure to maintain a firebreak of more than 100 feet around the building or structure. Grass and other vegetation located more than 30 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure.

7.92.307.2 Section 307.2 is amended - Open Burning and Recreational Fires.

Section 307.2 of Chapter 3 of the Fire Code of Santa Cruz County is amended to read as follows:

307.2 Permit required. When required by the fire chief, a permit shall be obtained prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such permit shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

The open burn season for Santa Cruz County unless otherwise declared shall be December 1st through April 30th of the calendar year. The dates may only be changed by the Monterey Bay Area Unified Air Pollution Control District.

Exceptions:

