



TO THE HONORABLE MAYOR AND COUNCIL:

DATE: October 6, 2008

SUBJECT: INTRODUCTION OF ORDINANCE NO. 08-6, ADOPTING THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT'S ORDINANCE NO. 2007-47, FIRE CODE ORDINANCE, RATIFYING THE 2007 CALIFORNIA FIRE CODE WITH AMENDMENTS

Report in Brief

On November 27, 2007, the Board of Supervisors adopted the 2007 California Fire Code (California Code of Regulations, Title 24, Part 9) with amendments by approving County Ordinance 2007-47. The Fire District Fire Marshal is now requesting that cities, including the City of Concord, adopt the amendments to the 2007 California Fire Code which are contained in County Ordinance 2007-47.

Staff recommends that the Council adopt Ordinance 08-6, amending Concord Municipal Code Chapter 14 (Building and Building Regulations) Article VI (Fire Code), Section 14-151 (Fire Code Adopted) to include reference to the Contra Costa County Fire Protection District Ordinance 2007-47. Staff recommends that the Council introduce Ordinance 08-06 by reading the title only, and waiving further reading.

Background

Every two to three years, the California Building Standards Commission (**Commission**) adopts a new or amended California Fire Code, which contains current health and safety provisions. Upon adoption of the California Fire Code by the Commission, every City and County in the State has the option to either accept by default the California Fire Code as written, or to add amendments and adopt their own version.

The City of Concord receives its fire protection services from the Contra Costa County Fire Protection District (**Fire District**). The Contra Costa County Board of Supervisors (**Board of Supervisors**) serves as the Board of Directors for the Fire District. With each adoption of a new California Fire Code, the Board of Supervisors reviews, and sometimes makes amendments to the California Fire Code. During the code adoption cycles in 1996, 1999 and 2001 the Board of Supervisors simply adopted the California Fire Code as published.

On November 27, 2007, the Board of Supervisors adopted the 2007 California Fire Code (California Code of Regulations, Title 24, Part 9) with amendments by approving County Ordinance 2007-47. These added amendments were intended to correct discrepancies between the California Building Code and the California Fire Code.

INTRODUCTION OF ORDINANCE NO. 08-6, ADOPTING THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT'S ORDINANCE NO. 2007-47, FIRE CODE ORDINANCE, RATIFYING THE 2007 CALIFORNIA FIRE CODE WITH AMENDMENTS

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Discussion

The Fire District Fire Marshal is now requesting that cities adopt the amendments to the 2007 California Fire Code which are contained in County Ordinance 2007-47. Accordingly, City of Concord Ordinance 08-6 (**Attachment 1**) amends Concord Municipal Code Chapter 14 (Building and Building Regulations) Article VI (Fire Code), Section 14-151 (Fire Code Adopted) to include the Contra Costa County Fire Protection District Ordinance 2007-47.

Some of the amendments include clarifications of terms and definitions, weed abatement procedures, auto wrecking yard requirements, regulations for emergency access to developments during and after construction, fire sprinkler provisions for specified occupancy types, and administrative modifications that match existing operations and procedures.

These amendments have been adopted by the Contra Costa County Fire Protection District to codify previous procedures and processes of the District. It is necessary to ratify the County ordinance before it takes effect in the City of Concord. The amendments do not pose any additional financial impact on residents or developers.

The adoption of the California Fire Code with the proposed local amendments will become effective on November 27, 2008, 30-days after its formal adoption, and will not apply to any permits issued prior to that date. All permits issued prior to the adoption of these codes will be inspected using the prior adopted codes, unless an applicant requests otherwise.

Staff recommends that the Council introduce Ordinance 08-6 by reading of the title only and waiving further reading.

Fiscal Impact

There is no fiscal impact.

Public Contact

Copies of the draft ordinance were sent to the Chamber of Commerce, National Home Builders Association, Contra Costa Economic Partnership, and members of the Board of Building Code Appeals and local businesses that requested notification. Notice of the public hearing was also published in the Contra Costa Times newspaper, a newspaper of general circulation.


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Recommendation for Action

Staff recommends the introduction of Ordinance 08-06, ratifying County Ordinance No. 2007-47, Fire Code Ordinance of the Contra Costa County Fire Protection District, thereby adopting the 2007 California Fire Code with amendments.



Daniel E. Keen
City Manager

Prepared by: Vance Phillips
Chief Building Official

Reviewed by: Alex Pascual
Director of Building, Engineering &
Neighborhood Services

Attachment 1: Ordinance No. 08-6

ORDINANCE NO. 08-6

AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE CHAPTER 14 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE VI (FIRE CODE) RATIFYING ORDINANCE NO. 2007-47, FIRE CODE, ADOPTED BY THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT, ADOPTING THE 2007 CALIFORNIA FIRE CODE WITH AMENDMENTS

THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

WHEREAS, the City of Concord is wholly contained within the geographical boundaries of a legal special district known as the Contra Costa County Fire Protection District, formed pursuant to California Health and Safety Code Section 13800 et seq; and

WHEREAS, the Contra Costa County Fire Protection District has responsibility for emergency, medical first-responder services, fire suppression and fire protection duties within its special district boundary, including within the City of Concord; and

WHEREAS, on December 4, 2007 the Board of Supervisors of Contra Costa County voted to adopt the 2007 California Fire Code, as amended, by adoption of County Ordinance No. 2007-47; and

WHEREAS, pursuant to California Health and Safety Code Section 13869.7, any fire protection district that adopts an ordinance pertaining to building standards related to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal shall transmit the adopted ordinance to the city where the ordinance will apply; and

WHEREAS, the City has received a copy of County Ordinance No. 2007-47 from the Contra Costa Fire Protection District and in accord with the Health and Safety Code, the City may ratify, modify or deny the District-adopted ordinance, and no ordinance adopted by the Fire District shall be effective within the municipal limits of the City of Concord until ratified by the Concord City Council; and

WHEREAS, the Chief Building Official for the City of Concord has recommended ratification of the Fire District's ordinance in its entirety; and

WHEREAS, the City Council does hereby find and determine that the ratification of Ordinance No. 2007-47 of the Contra Costa County Fire Protection District for implementation of the

1 2007 California Fire Code, as amended, within the jurisdictional boundary of the City of Concord is a
2 responsible measure to provide additional reasonable and uniform degrees of fire and life safety to its
3 citizens, businesses and community; and

4 **WHEREAS,** the City Council does hereby ratify Ordinance No. 2007-47 of the Contra Costa
5 County Fire Protection District, as amended, and pursuant to Health and Safety Code Section 13869.7
6 (h)(1), the City Council does hereby delegate enforcement of the District's Ordinance No. 2007-47
7 within the jurisdictional limits of the City of Concord to the Fire Chief of the Contra Costa County
8 Fire Protection District or authorized representative.

9 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES**
10 **ORDAIN AS FOLLOWS:**

11 **Section 1:** Confirms Concord Municipal Code Chapter 14, Buildings and Building
12 Regulations, Article VI, Fire Code, Sec. 14-151, entitled Fire Code adopted, of the Concord
13 Municipal Code remains unchanged.

14 **Section 2:** Hereby adds to Concord Municipal Code Chapter 14, Buildings and Building
15 Regulations, Article VI, Fire Code, Sec. 14-152, entitled Contra Costa County Fire Protection District
16 Ordinance adopted, which reads:

17 Ordinance 2007-47 of the Contra Costa County Fire Protection District,
18 adopted December 4, 2007, is hereby ratified by the City Council under the authority
19 of California Health and Safety Code section 13869.7. Ordinance 2007-47 adopts the
20 2007 California Fire Code (California Code of Regulations, Title 24, Part 9, including
21 Appendix Chapter 1, Appendix Chapter 4, Appendix B, Appendix C, Appendix D,
22 Appendix E, Appendix F and Appendix G), as amended by the changes, additions and
23 deletions set forth in the ordinance. The provisions of the 2007 California Fire Code as
24 amended by District Ordinance 2007-47 shall be controlling and enforceable within
25 the jurisdictional boundaries of the City of Concord.

26 **Section 3:** Hereby adds to Concord Municipal Code Chapter 14, Buildings and Building
27 Regulations, Article VI, Fire Code, Sec. 14-153, entitled Delegation of Enforcement to Fire Chief,
28 which reads:

1 Pursuant to Health and Safety Code section 13869.7, the City Council
2 delegates enforcement of County Ordinance 2007-47 to the Fire Chief of the Contra
3 Costa County Fire Protection District or his or her authorized representatives. The
4 Chief Building Official shall file a copy of the findings of the District and the adopted
5 ordinance with the Department of Housing and Community Development.

6 **Section 4.** Severability. If any sections, subsections, sentences, clauses, phrases or
7 portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not
8 affect the validity of the remaining portions of this ordinance. The City Council hereby declares that
9 it would have passed this and each section, subsection, phrase or clause of this ordinance whether or
10 not any one or more sections, subsections, phrases or clauses may be declared invalid or
11 unconstitutional on their face or as applied.

12 **Section 5:** This Ordinance No. 08-6 shall become effective thirty (30) days following its
13 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire
14 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
15 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,
16 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's
17 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and
18 once within fifteen (15) days after its passage and adoption, including the vote of the
19 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of
20 Concord.

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23 William D. Shinn
Mayor

24 ATTEST:

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27 Mary Rae Lehman
City Clerk

28 (Seal)

1 Ordinance No. 08-6 was duly and regularly introduced at a regular joint meeting of the City
2 Council and Redevelopment Agency held on October 6, 2008, and was thereafter duly and regularly
3 passed and adopted at a regular joint meeting of the City Council and Redevelopment Agency held on
4 October 27, 2008 by the following vote:

5 **AYES:** Councilmembers -

6 **NOES:** Councilmembers -

7 **ABSTAIN:** Councilmembers -

8 **ABSENT:** Councilmembers -

9 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
10 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

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13 _____
Mary Rae Lehman
City Clerk
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