



Sheldon D. Gilbert, Fire Chief

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Alameda County Fire Department

*Proudly serving the Unincorporated Area of Alameda County
and the communities of San Leandro, Dublin,
the Lawrence Berkeley National Laboratory and
the Lawrence Livermore National Laboratory*

AGENDA: November 2, 2010

October 18, 2010

Honorable Board of Supervisors
Honorable Board of Directors
Administration Building
1221 Oak Street
Oakland, CA 94612

SUBJECT: 2010 Fire Code Adoption

RECOMMENDATION:

Adopt an ordinance amending Chapter 6.04 of Title 6 of the Ordinance Code of the County of Alameda relating to the prevention of fires, and adopting by reference the 2009 edition of the International Fire Code as amended by the State of California and 2010 edition of the California Fire Code. (including Appendix B, C, D) and accepting the Findings of Fact.

DISCUSSION/SUMMARY:

The County of Alameda and the Fire Department are responsible for providing a reasonable degree of fire and life safety throughout their jurisdiction. In order to provide this level of safety throughout the County, the adoption of the latest edition of the Fire Code is necessary. This recommended Ordinance has been reviewed by the Office of the County Counsel.

The International Fire Code undergoes continual revision with a new edition ordinarily printed every three years. Your Board last adopted the 2007 edition of the Code in December of 2007. The purpose of the revision process is to keep up with manufacturing processes, new technology, fire protection methods and equipment. The Alameda County Fire Department must have the ability to reference the latest codes to remain current and up to date in the field of fire and life safety and accepted fire protection standards and practices. Following the adoption of the 2010 California Fire Code, the Fire Prevention Division will have the ability to reference the latest code when dealing with the public it serves.

The changes in the Code are primarily repealing outdated references, adding new terminology and renumbering sections to conform with the new Editions of the International and State Fire Codes, as well as the removal of exceptions which are now incorporated into the new Codes.

Attached are the Findings of Fact required by Section 17958 of the State of California Health and Safety Code. These Findings are necessary because when the Board of Supervisors of the County of Alameda, amends its ordinance to adopt the 2010 California Fire Code, it changes or modifies certain provisions of the State Building Standards Code, as it pertains to the regulation of buildings used for human habitation.

Fees referenced in the proposed Ordinance are not changed for this adoption. A fee review will be initiated next fiscal year and necessary changes adopted at that time.

FINANCING:

There are no costs associated with the adoption of the recommended Ordinance.

Sincerely,

A handwritten signature in blue ink that reads "Sheldon D. Gilbert". The signature is written in a cursive style with a small flourish above the 'l' in "Gilbert".

Sheldon D. Gilbert
Fire Chief

Attachment

Cc: Bonnie Terra, Fire Marshal

**FINDINGS OF FACT AND NEED FOR
CHANGES OR MODIFICATIONS TO THE
STATE BUILDINGS STANDARDS CODE
BECAUSE OF LOCAL CONDITIONS**

CHANGES OR MODIFICATIONS: Pursuant to Section 17958 of the State of California Health and Safety Code, the Board of Supervisors of the County of Alameda, in its ordinance amending the 2009 International Fire Code/2010 California Fire Code, changes or modifies certain provisions of the State Building Standards Code, as it pertains to the regulation of buildings used for human habitation. A copy of such text of changes or modifications is attached.

FINDINGS: Pursuant to Sections 17958.5 and 17958.7(a) of the State of California Health and Safety Code, the Board of Supervisors of the County of Alameda have determined the attached changes or modifications are needed, and are reasonably necessary because of local climatic, geographic, and topographic conditions.

LOCAL CONDITIONS: Local conditions have an adverse effect on the prevention of (1) major fire loss, (2) major earthquake damage, and (3) the potential for life and property loss; making necessary changes or modifications in the International Fire Code and the State Building Standards Code, in order to provide a reasonable degree of property security and fire and life safety in the unincorporated areas of this County.

Within the unincorporated areas of the County exist approximately 484 square miles of land, with a population of 209,500. Within this area of drastically varied terrain, are congested residential urban areas, which interface with sparsely populated rural areas, rolling hills and the rural agricultural open fields. Because of the climatic conditions which exist within the County, and the nature of the topography and geography of the County, these "Findings of Fact" listed below shall be submitted to the State.

1. CLIMATIC

- A. Precipitation. Precipitation ranges from 18.6 to 23.2 inches per year, with an average of approximately 21 inches per year. Approximately 85% falls during the months November through April, and 15% from May through October. This area experienced a major drought and it is possible more droughts will occur in the future.
- B. Relative Humidity. Humidity generally ranges from 60% during the day time, to 80% at night. It drops to 20% during the summer months and occasionally lower.
- C. Temperature. Temperatures have been recorded as high as 108 degrees Fahrenheit. During the summer months, the Eden, Castro Valley, and

Fairview Districts, experience similar temperature structure; while the County Fire Department area located in the Livermore valley, experiences much higher temperatures.

- D. Winds. The prevailing winds are from the Northwest; however, winds are experienced from virtually every direction at one time or another. Wind speed varies from a light breeze of 5 mph to 15 mph. In the summer months, the wind will gust from 7 mph to 30 mph. The County can be divided into two sections by the Berkeley-Oakland hills. The hills create slightly different weather and wind patterns affecting the unincorporated areas of the County. The Western side of the County is somewhat protected by the cooling of the ocean fog. This effect helps raise the humidity and somewhat cool the area. The Eastern side of the County, the valley, does not get the cooling effect of the fog. Regardless of the cooling effect of the fog on the Western side of the hills, the County is prone to periods of Westerly, North-Westerly "Fohen type" winds that have the same effect as the "Santa Ana" winds of the South state.
- E. Summary. These local climatic conditions affect the acceleration, intensity, and size of fires in the community. Times of little or no rainfall, low humidity, and high temperature create extremely hazardous conditions. The winds in this area can have a tremendous impact upon structure fires where buildings are built in close proximity to each other, and fires within the Wildland Urban Interface threaten the structures built in an around the brush and timber. Both of the above listed conditions are commonly found in the unincorporated areas of the County.

2. GEOGRAPHIC and TOPOGRAPHIC

- A. Geographic location. The unincorporated area of Alameda County is comprised of a section of Central County (Ashland, Castro Valley, Cherryland, Fairview, and San Lorenzo), and a major portion of the Eastern County. The area is divided by a number of active earthquake faults; Hayward, San Andreas, Calaveras, and Greenville. As a result of data following the Loma Prieta quake and additional seismological evidence indicates the probability of another major earthquake in this region ranging from 5 to 8 on the Richter Scale. The areas are also divided by the foothills of the Oakland Range. Within the hill area are numerous homes and planned developments. With the steep valleys and winding roadways leading to these areas, fire spread and response time are impacted.
- B. Roads and Streets. The number of vehicle miles driven in the unincorporated area is steadily increasing and efforts in traffic and roadway improvements are being made in an attempt to ease the crush of

commuters to and through the areas. The areas are intersected by Highways 238, 580, 680, and 880. There are also railroad lines bisecting the districts. The impact of planned developments and traffic flow will continue to have an affect on the Fire Department and the delivery of fire and emergency services.

- C. Summary. The above local geographic and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the fire departments of the unincorporated areas of the County. Based on predictions by seismologists, the area would suffer damage that would be beyond the response capacity of the fire departments. With bridge, overpass, and roadway collapse, response would be limited to small areas. The fire following an earthquake has the potential of causing greater loss of life than the earthquake itself.

CONCLUSION:

Local climatic, geographical, and topographical conditions impact fire prevention and suppression efforts, the frequency, spread, acceleration, and intensity of fires involving buildings and wildlands within the unincorporated areas of the County. Further, they impact the potential damage to all structures from earthquake and subsequent fire. While it is clearly understood that the adoption of these modifications to the Code may not prevent the incidents of fire, it is further noted that the implementation of these modifications may serve to reduce the severity and potential loss of life and property due to fire.

The County of Alameda submits these "Findings of Fact" and request acceptance of these as defined under Section 17958.5(a) of the State of California Health and Safety Code.

AN ORDINANCE AMENDING CHAPTER 6.04 OF TITLE 6 OF THE ORDINANCE CODE OF THE COUNTY OF ALAMEDA RELATING TO THE PREVENTION OF FIRES, AND ADOPTING BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE AS AMENDED BY THE STATE OF CALIFORNIA AND 2010 EDITION OF THE CALIFORNIA FIRE CODE.

The Board of Supervisors of the County of Alameda and the Board of Directors of the Alameda County Fire Department ordain as follows:

SECTION I

Chapter 6.04 of Title 6 of the Alameda County Ordinance Code is amended to read:

6.04.000. Repeal. Chapter 04 of Title 6 of the Alameda County Ordinance Code adopting the 2006 edition of the International Fire Code is repealed except for Alameda County Ordinance 0-93-17 which Ordinance shall remain in full force and effect as part of 2010 edition of the California Fire Code except as renumbered and restated therein.

6.04.010. California Fire Code. There is hereby adopted that certain Code known as the “2010 California Fire Code”, including all sections of Chapter 1 including Division II and appendices B,C, and D compiled by the International Code Council being particularly the California Fire Code 2010 edition thereof and whole thereof, save and except such portions as are hereinafter deleted, modified, or amended. One copy of said Code is on file with the Clerk of the Board of Supervisors.

The following sections shall constitute the deletions, modifications, amendments and additions to the 2010 California Fire Code.

6.04.020 Chapter I-Scope and Administration

Section 101 – General

Section 1.0.1 Title is amended to read: This Code shall be known as the “Alameda County Fire Code,” may be cited as such, and will be herein referred to as “this Code.”

6.04.030 Chapter I-Scope and Administration

Section 1.11.2.1.1 Enforcement is amended to read: The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall except as provided in Section 1.11.2.1.2 be as follows:

1. The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they

relate to Group R-3 as described in Section 3410.1 of Part 2 of the California Building Standards Code, to the following:

- 1.1. The chief of the fire department serving the county, or chief's authorized representative.

6.04.040

Chapter I-Scope and Administration

Section 1.11 - Office of the State Fire Marshal

Section 1.11.4.7 Other Fees is added to read: Pursuant to Health and Safety Code Sections 13146.2, 1597.46, 13217, 13235, and 13131.5 are in an amount as set forth in the separately adopted Alameda County Ordinance (Fees for Service) of which the most current will apply. It should be noted that a fee shall be charged to cover the cost of any fire prevention service for enforcing any regulations.

6.04.050

Chapter I-Division II Administration

Section 101 – General

Section 101.1 Title is amended to read: This Code shall be known as the “Alameda County Fire Code,” may be cited as such, and will be herein referred to as “this Code.”

6.04.060

Chapter I – Division II Administration

Section 108 – Board of Appeals

Section 108.1 (Board of Appeals) established is amended to read:

1. Board of Appeals – In order to hear and decide appeals or 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 to provide interpretations of the Code other than those approved by the Fire Chief, there is created a Board of Appeals.

Upon receipt of an appeal in writing, the Fire Chief shall request the appointment by the Board of Supervisors of a Board of Appeals consisting of five (5) members qualified by experience and training to pass upon matters pertaining to the subject matter of the appeal and to serve until disposition of the appeal. The Fire Chief or his/her designee, shall be an ex officio member of the Board of Appeals and act as the secretary. The Board of Appeals shall adopt reasonable rules for conducting its hearings and investigations.

The Board of Appeals shall, after considering all facts presented, render a decision as to the applicability and interpretation of this Code and as to an alternate means of protection; and determine if the proposal is equivalent to those specified in these regulations in quality, strength, effectiveness, fire resistance, durability and safety. The Board of Appeals shall submit to the applicant and Fire Chief its decision as well as findings and recommendations.

Any recommendations, actions or decisions by the Board of Appeals shall not be construed as to permit a violation of any other codes or laws. The decision of the Board of Appeals shall be

final. The applicant or Fire Chief may promptly request a review thereof by the Board of Supervisors. The Board of Supervisors may limit its review to pertinent parts of the record, findings and decision of the Board of Appeals or at its sole discretion take additional evidence or arguments on the issue.

2. Appeals-Whenever the Fire Chief shall disapprove an alternate means of protection, refuse to grant a permit or application, or when it is claimed that the provisions of this Code do not apply, or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of Appeals. Such appeal shall be made within 15 days from the date of the Fire Chief's decision.

Whenever any subject regulated in this Code is also regulated by Title 7, Alameda County Ordinance Code, the provisions of this Code which are applicable to new construction, alteration or repair shall be enforced by the Fire Chief and by the Alameda County Building Official if a building permit is required for such new construction, alteration or repair by Title 7, Alameda County Ordinance Code.

If there is a conflict between the enforcement of this Code by the Fire Chief and Title 7 by the Building Official, the more restrictive requirements shall apply.

6.04.070 Chapter I – Administration

Section 109 – Violations

Section 109.2 (Notice of Violation) is amended by adding the following sentence to read: In cases of extreme danger to persons or property, immediate compliance shall be required, and/or the Fire Chief may remove, or cause to be removed, the hazard at the expense of the owner or responsible party.

Section 109.3 (Violation penalties) is amended to read:

1. Any person, firm, corporation, association, or government entity which is regulated by this Code and has violated, or caused to be violated, or permitted to be violated any provisions of this Code, shall be deemed guilty of an infraction, unless such violation is specified to be a misdemeanor.
2. Any person, firm, corporation, association, or government entity convicted of a misdemeanor under the provisions of this Code shall be subject to a fine, or imprisonment, or both, not to exceed to limits set forth in California Penal Code Section 19.
3. Any person, firm, corporation, association, or government entity convicted of an infraction under the provisions of this Code shall be punishable upon first conviction by a fine of not less than fifty dollars.
4. In addition to the foregoing penalties, any condition caused or permitted to exist in violation of any of the provisions of this Code, shall be deemed a public nuisance and may be abated as such.

5. Each person, firm, corporation, association, or government entity shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by any of them, and shall be punishable accordingly.
6. The Fire Chief and his authorized representatives may make arrests or issue citations for any violations of this Code, or any other ordinance of the County of Alameda and laws of the State of California pertaining to fire prevention, protection and life safety.
7. Any person, firm, corporation, association, or government entity operating or maintaining any occupancy, premises, or vehicle subject to this Code shall not permit or allow a fire hazard to exist or fail to take immediate action to correct same on premises under his control or ownership. Failure to comply with an order or notice when ordered or notified to do so by the Fire Chief or his authorized representatives shall be guilty of a misdemeanor.

Section 109.3.2 (Administrative Abatement) is added to this Code to read: The provisions of this Code may be enforced pursuant to the provisions of Chapter 7 of Title 7 of the Alameda County Ordinance Code.

6.04.080

Chapter 9 – Fire Protection Systems

Section 903 – Automatic Fire Sprinkler Systems

Section 903.2.1.1 (Group A-1) is amended to read: An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Section 903.2.1.3 (Group A-3) is amended to read: An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.4 (Group A-4) is amended to read: An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.2.2 (Group B) is added to read: An automatic sprinkler system shall be provided in Group B occupancies where the fire area exceeds 5,000 square feet.

Section 903.2.3 (Group E) is amended to read: An automatic sprinkler system shall be installed in Group E occupancies where the fire area exceeds 5,000 square feet.

Section 903.2.4 (Group F-1) is amended to read: An automatic sprinkler system shall be installed in Group F-1 occupancies where one of the following conditions exists:

1. The Group F-1 fire area exceeds 5,000 square feet.
2. The Group F-1 fire area is located more than three stories above grade plane.

Section 903.27 (Group M) is amended to read: An automatic sprinkler system shall be provided throughout buildings containing Group M occupancies where one of the following conditions exist:

1. A Group M fire area exceeds 5,000 square feet.
2. A Group M fire area is located more than three stories above the grade plan.
3. A Group M occupancy is used for the display and sale of upholstered furniture.

Section 903.2.9 (Group S-1) is amended to read: An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancies where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet.
2. A Group S-1 fire area is located more than three stories above grade plane.

Section 903.2.10 (Group S-2 enclosed parking garages) is amended to read: An automatic sprinkler system shall be provided throughout all buildings classified as enclosed parking garages with Section 406.4 of the California Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet or
2. Where the enclosed parking garage is located beneath other groups.

Section 903.2.18.1 (Group U) is added to read: An automatic sprinkler system shall be provided for Group U Occupancies where the fire area exceeds 5,000 square feet (465 m²).

Section 903.2.19 (Existing Buildings) is added to read: When an addition to an existing building causes the total square footage of the building to exceed 5,000 square feet (465 m²) the entire building shall be equipped with sprinklers.

Section 903.2.20 (Existing Buildings) is added to read: When a change in occupancy or use to more hazardous occurs, the structure will be required to meet the requirements as set forth for new construction for the new occupancy classification.

6.04.090 Chapter 9 – Fire Protection Systems

Section 907 – Fire Alarm and Detection Systems

Section 907.10 (False Alarms) is added to this Code to read:

Section 907.10.1 (Excessive False Alarms) is added to this Code to read: Malfunctions, or mechanical trip of any sprinkler alarm or other fire protection or detection system resulting in an alarm and emergency dispatch of the Fire Department shall be subject to a false alarm charge as established by this Code.

Exception: During a thirty (30) day period following the installation of any new fire alarm system, the Fire Chief shall determine if the false alarms emanating from said new installation are excessive.

Section 907.10.2 (Charges) is added to read: After the initial thirty (30) day period following the installation of a new system, two (2) false alarms within a consecutive ninety (90) day period shall be deemed excessive and will be charged as false alarms.

Section 907.10.3 (False Alarm Charges) is added to read:

1 st false alarm	Warning Letter
2 nd false alarm in any 90 day period	\$100.00
3 rd and subsequent false alarms in any 90 day period	\$200.00

6.04.100 Chapter 19 – Lumber Yards and Wood Working Facilities

Section 1908 – Storage and Processing of Wood Chips, Hogged Material Fines, Compost and Raw Product Associated with Yard Waste and Recycling Facilities

Section 1908.3 (Size of Piles) is amended to read: Piles shall not exceed 12 feet in height, 50 feet in width and 250 feet in length.

6.04.110 Chapter 33 – Explosives and Fireworks

Section 3301 – General

Section 3301.1(Fireworks) is amended to read: The possession, manufacture, storage, sale, handling and use of fireworks are prohibited is amended to read: Storage, use and handling of fireworks are prohibited. It is unlawful for any person to sell or offer for sale any fireworks,

dangerous fireworks or safe and sane fireworks or, fire, discharge or explode or cause to be fired, discharged or exploded any fireworks except at public displays as hereinafter provided in this Chapter. Exception 1, 2, 3, 4 and 5 are retained as stated.

6.04.120

Appendix D – Fire Apparatus Access Roads

Section D103 – Minimum Specifications-are amended as follows:

Figure D103.1 (Dead-End Fire Apparatus Access Road Turnaround) is amended to show: A 70’ “Y” and a 140’ Hammerhead and Acceptable Alternative to 140’ Hammerhead.

SECTION II

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage, and before the expiration of fifteen (15) days after its passage, shall be published in the Inter-City Express, a newspaper published in the said County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on this _____ day of _____, by the following called vote:

AYES: Supervisors
NOES: Supervisors
EXCUSED: Supervisors

President of the Board of Supervisors,
County Of Alameda, State of California

ATTEST: Crystal Hishida-Graff, Clerk
Of the Board of Supervisors,
County of Alameda, State of
California

BY: _____



Approved as to form
Richard Winnie, County Counsel