

**RESOLUTION NO. 7713**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS SETTING FORTH THE FIRE DEPARTMENT PENALTY FEE SCHEDULE FOR CERTAIN VIOLATIONS OF THE MILPITAS FIRE CODE, TITLE V CHAPTER 300 OF THE MILPITAS MUNICIPAL CODE**

**WHEREAS**, the Milpitas Municipal Code specifies that certain fees and charges shall be fixed by Resolution of the City Council; and

**WHEREAS**, Milpitas Municipal Code Title V, Chapter 300 (Milpitas Fire Code) requires that an Administrative, Civil and Criminal penalty schedule be set forth by Resolution; and

**WHEREAS**, the Fire Department prefers compliance be attained through education and the willingness of the individual to comply; and

**WHEREAS**, when this process fails and the violation is a willful refusal or failure to comply with a Fire Department officer for serious health and safety violation; and

**WHEREAS**, use of the penalty provisions of a misdemeanor prosecution can be used to persuade and penalize non-compliance; and

**WHEREAS**, the 2007 Edition of the California Fire Code requires that adjustments be made to the penalty provisions of the Milpitas Fire Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Fire Department Penalty Fee Schedule set forth in the attached schedule is hereby established for violations of certain sections of the Milpitas Fire Code and is contingent upon the adoption of the Milpitas Fire Code (2007 Edition of the California Fire Code), City of Milpitas Ordinance No. 113.21, and

**BE IT FURTHER RESOLVED** that penalty charges established by this resolution shall supersede all previously established charges for the same regulation, product or service, and all such previous charges are repealed on the effective date of the Resolution of the City Council. All other fees shall remain in effect.

**PASSED AND ADOPTED** this 6<sup>TH</sup> day of November 2007, by the following vote:

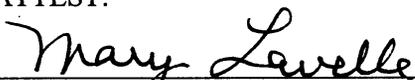
**AYES:** (5) Mayor Esteves, Vice Mayor Livengood, and Councilmembers Giordano, Gomez and Polanski

**NOES:** (0) None

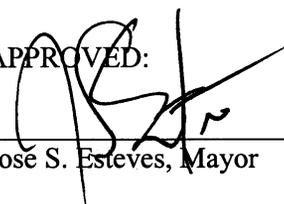
**ABSENT:** (0) None

**ABSTAIN:** (0) None

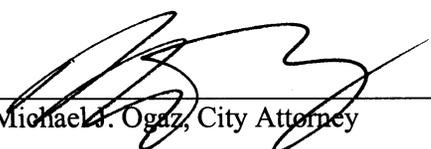
**ATTEST:**

  
\_\_\_\_\_  
Mary Lavelle, City Clerk

**APPROVED:**

  
\_\_\_\_\_  
Jose S. Esteves, Mayor

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Michael J. Ogaz, City Attorney

## Fire Department Penalty Fee Schedule

<u>SECTION</u>	<u>OFFENSE</u>	<u>BAIL</u>
109.2.2	Noncompliance with Orders or Notices	\$ 500.00
109.2.4	Noncompliance with Condemnation Tag	\$ 500.00
105.1.1	Failure to Obtain and Maintain a Permit	\$ 250.00
1003.6	Obstructing Exits	\$ 500.00
1028.2	Obstructing Exits	\$ 500.00
107.6	Overcrowding	\$ 500.00
3301.1.2	Illegal storage, use and/or handling of fireworks	\$ 1,000.00
105.1.1	Failure to Obtain & Maintain a Hazardous Materials Permit	\$ 250.00
2701.5.1	Failure to submit – Hazardous Materials Management Plan	\$ 500.00
2701.5.2	Failure to submit – Hazardous Materials Inventory Statement	\$ 500.00
2703.3	Release of Hazardous Materials – Failure to Notify	\$ 1,000.00

First Violation: Except as otherwise noted above, the penalty for a first violation of the Milpitas Fire code shall be one-hundred (\$ 100.00) dollars.

Second Violation. Except as otherwise noted above, the penalty amount for a second violation of the same section of the municipal code by the same person or business within a thirty-six (36) month period shall be one hundred fifty percent (150%) of the penalty amount listed in this Resolution for a first violation of that municipal code section at the time of the second violation.

Third violation. Except as otherwise noted above, the penalty amount for a third and subsequent violation of the same municipal code section by the same person or business within a thirty-six (36) month period shall be two hundred percent (200%) of the penalty amount listed in this Resolution for a first violation of that municipal code section at the time of the third, or, as applicable, subsequent violation.

Delinquency penalty. Payments received after the due date (30 days from the date of the invoice) shall be deemed late. A flat charge of \$ 25.00 shall be charged for all late payments.

**REGULAR**

**NUMBER:** 113.21

**TITLE:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTER 300, TITLE V OF THE MILPITAS MUNICIPAL CODE RELATED TO FIRE CODE

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of November 6, 2007, upon motion by Vice Mayor Livengood, and was adopted (second reading) by the City Council at its meeting of \_\_\_\_\_, 2007, upon motion by \_\_\_\_\_. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

ORDAINING CLAUSE:

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

**TITLE V  
CHAPTER 300  
FIRE CODE**

**SECTION 1 ADOPTION OF CALIFORNIA FIRE CODE, 2007 EDITION**

V-300-1.01 An ordinance of the city of Milpitas adopting the 2007 edition of the *California Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city of Milpitas providing for the issuance of permits and collection of fees. That a certain document, except as herein amended, three (3) copies of which are on file in the office of the City Clerk, known as the California Fire Code, including Appendix Chapters 4, B and C and the International Fire Code Appendix Chapter 1 and D with California state amendments as published by the International Code Council being particularly the 2007 edition, is hereby adopted by reference as the Fire Code for the City of Milpitas in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions penalties, conditions and terms of said Fire Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**SECTION 2 AMENDMENTS TO THE 2007 CALIFORNIA FIRE CODE**

V-300-2.01 The 2007 California Fire Code is amended or changed in the following respects:

Section 202 of the California Fire Code, 2007 Edition, is amended by adding the definition of Temporary, Wildland-Urban Interface Area and modifying the definition of Workstation as follows:

**TEMPORARY** shall not exceed one year.

**WILDLAND-URBAN INTERFACE AREA** is that area designated by the State of California Department of Fire Protection and Prevention (CALFire) and includes City of Milpitas' previously referenced HAZARDOUS FIRE AREA.

**WORKSTATION** is a defined space or independent principal piece of equipment using hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment.

V-300-2.02 Chapter 3, **General Precautions Against Fire**, of the 2006 International Fire Code, with California State amendments is hereby adopted and amended as follows:

The following sections are deleted:

Section **311.5 Placards.**

Section **311.5.1 Placard Location.**

Section **311.5.2 Placard Size And Color.**

Section **311.5.3 Placard Date.**

Section **311.5.4 Placard Symbols.**

Section **311.5.5 Informational Use.**

V-300-2.03 Chapter 4, **Emergency Planning and Preparedness**, of the 2006 International Fire Code is hereby adopted and amended as follows:

V-300-2.04 Section 404.2 of the International Fire Code, 2007 Edition, is amended to read as follows:

**404.2 Where Required.** An approved fire safety and evacuation plan shall be prepared and maintained for the following occupancies and buildings.

1. Group A buildings having an occupant load of 100 or more persons.
2. Group B buildings having an occupant load of 500 or more persons
3. Group E: See §3.13 Title 19, CCR for regulations.
4. Group H.
5. Group I. See §3.09 Title 19, CCR for regulations.
6. Group R-1. See §3.09 Title 19, CCR for regulations.
7. Group R-2 college and university buildings.
8. Group M buildings having an occupant load of 500 or more persons.
9. Covered malls exceeding 50,000 square feet (4645 m2) in aggregate floor area.
10. Underground buildings.

V-300-2.05 Section 404.3.1 of the International Fire Code, 2007 Edition, is amended to read as follows:

**404.3.1 Fire Evacuation Plans.** Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
2. Description of what the fire alarm, if required, sounds and looks like (audible and visual warning devices).
3. Procedures for employees who must remain to operate critical equipment before evacuating.
4. Procedures for accounting for employees and occupants after evacuation have been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

V-300-2.06 Table 405.2 of the International Fire Code, 2007 Edition, is amended to read as follows:

**TABLE 405.2  
FIRE AND EVACUATION DRILL  
FREQUENCY AND PARTICIPATION**

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B <sup>a</sup>	Annually	Employees
Group E	See §3.13 Title 19, CCR	
Group I	See §3.09 Title 19, CCR	
Group R-1	See §3.09 Title 19, CCR	
Group R-2 <sup>b</sup>	Four annually	All occupants
Group R-4	See §3.09 Title 19, CCR	
High-rise buildings <sup>c</sup>	See §3.09 Title 19, CCR	

- a. Group B buildings having an occupant load of 500 or more persons.
- b. Applicable to Group R-2 college and university buildings only.
- c. Applicable to high-rise office buildings only.

V-300-2.07 The following sections are deleted:

- Section: **408.2.2 Announcements.**
- Section: **408.3.1 First Emergency Evacuation Drill.**
- Section: **408.3.2 Emergency Evacuation Drill Deferral.**
- Section: **408.3.3 Time Of Day.**
- Section: **408.3.4 Assembly Points.**
- Section: **408.5.1 Fire Safety And Evacuation Plan.**

Section: **408.5.2 Staff Training.**  
Section: **408.5.3 Resident Training.**  
Section: **408.5.4 Drill Frequency.**  
Section: **408.5.5 Resident Participation.**  
Section: **408.6 Group I-2 Occupancies.**  
Section: **408.6.1 Evacuation Not Required.**  
Section: **408.6.2 Coded Alarm Signal.**  
Section: **408.7 Group I-3 Occupancies.**  
Section: **408.7.1 Employee Training.**  
Section: **408.7.2 Staffing.**  
Section: **408.7.3 Notification.**  
Section: **408.8 Group R-1 Occupancies.**  
Section: **408.8.2 Emergency Duties.**  
Section: **408.8.3 Fire Safety And Evacuation Instructions.**

V-300-2.08 Section 408.9 of the International Fire Code, 2007 Edition, is amended to read as follows:

**408.9 Group R-2 Occupancies.** Group R-2 occupancies shall comply with the requirements of Sections 408.9.1 through 408.9.3 and Sections 401 through 406. Group R-2 college and university buildings shall comply with the requirements of Sections 408.9.1 through 408.9.5 and Sections 401 through 406.

V-300-2.09 Section 408.9.4 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**408.9.4 First Emergency Evacuation Drill.** The first emergency evacuation drill of each school year shall be conducted within 10 days of the beginning of classes.

V-300-2.10 Section 408.9.5 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**408.9.5 Time of Day.** Emergency evacuation drills shall be conducted at different hours of the day or evening, during the changing of classes, when the school is at assembly, during the recess or gymnastic periods, or during other times to avoid distinction between drills and actual fires. In Group R2 college and university buildings, one required drill shall be held during hours after sunset or before sunrise.

V-300-2.11 The following sections are deleted:

Section: **408.10 Group R-4 occupancies.**  
Section: **408.10.1 Fire safety and evacuation plan.**  
Section: **408.10.2 Staff training.**  
Section: **408.10.3 Resident training.**  
Section: **408.10.4 Drill frequency.**  
Section: **408.10.5 Resident participation.**

V-300-2.12 Section 408.11.1.2 of the International Fire Code, 2007 Edition, is amended to read as follows:

**408.11.1.2 Revisions.** The lease plans shall be revised annually or as often as necessary to keep them current.

V-300-2.13 Chapter 5 of the 2006 International Fire Code, with California State amendments, is hereby adopted and amended to read as follows:

V-300-2.14 Section 503.2.1 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm).

**Exception:** When there are not more than two Group R, Division 3, or Group U occupancies, the access road width may be modified by the fire code official.

V-300-2.15 Section 503.7 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**SECTION 503.7 Adjacent Access.** No source of access from lands adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use same.

V-300-2.16 Section 504.4 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**504.4 Access Control Devices.** When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the fire code official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department. Access control devices shall also comply with Chapter 10 Egress.

V-300-2.17 Section 505.1 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**SECTION 505.1 PREMISES IDENTIFICATION.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines.

V-300-2.18 Section 507.4 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**507.4 Roof Guardrails At Interior Courts.** Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12-inch diameter sphere cannot pass through.

**Exception:** Where the roof opening is greater than 600 square feet in area.

V-300-2.19 Section 508.5.1 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**508.5.1 Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

**Exceptions:** For Group R-3 and Group U occupancies, the distance requirement shall be 500 feet (183 m).

V-300-2.20 Section 511.1 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**511.1 Emergency Communication Systems.** In new buildings, or buildings expanded by more than 20%, or buildings in which a change in occupancy classification occurs where adequate interior emergency radio communication is not possible, a system or equipment that will provide emergency radio coverage acceptable to the fire code official shall be installed.

V-300-2.21 Section 603.4.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**603.4.2 Portable Fueled Open-Flame Heating Appliances.** Use of portable fueled open-flame heating devices shall be as approved by the fire code official.

300-2.22 Section 605.11 hereby added to the California Fire Code, 2007 Edition, to read as follows:

**605.11 Immersion Heaters.** All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

V-300-2.23 Section 608.6.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**608.6.3 Failure of Ventilation System.** Failure of the ventilation system shall automatically disengage the charging system.

V-300-2.24 Section 903.1.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**SECTION 903.1.2 Fire Walls and Fire Barriers.** Fire walls and fire barriers shall not be considered to create separate buildings for the purpose of automatic fire sprinkler requirements as set forth in Chapter 9.

**Exception:** Buildings separated by continuous fire walls of 4-hour fire resistive construction without openings. Buildings required to have automatic fire sprinkler protection as set forth in Section 13113 of Health and Safety Code are prohibited from using fire walls in lieu of automatic fire sprinkler protection.

V-300-2.25 Section 903.2 of the California Fire Code, 2007 Edition, is amended to read as follows:

**903.2 Where Required.** Approved automatic sprinkler systems in new buildings and structures and in existing modified buildings and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per the requirements set forth in Sections 903.2.1 through 903.2.13 and as follows, whichever is the more restrictive:

1. An automatic sprinkler system shall be provided throughout all new buildings that have a gross floor area in excess of 3600 square feet or that are three (3) or more stories in height.
2. An automatic sprinkler system shall be provided throughout all existing buildings when modifications are made that increases the gross floor area to more than 3600 square feet or increases the number of stories to three (3) or more.

**Exception:** One-time additions to existing buildings made after 01/01/2008 that do not exceed 500 square feet in gross floor area.

3. An automatic sprinkler system shall be provided throughout all new buildings located in the designated Wildland-Urban Interface areas.

**Exception:** Accessory structures that are non-habitable and of non-combustible construction that have a building area of 200 square feet or less.

4. An automatic sprinkler system shall be provided throughout all existing buildings located in the designated Wildland-Urban Interface areas when modifications are made that increases the gross floor area.

V-300-2.26 The following sections are deleted:

- Section: **903.2.1 Group A**
- Section: **903.2.1.1 Group A-1**
- Section: **903.2.1.2 Group A-2**
- Section: **903.2.1.3 Group A-3**
- Section: **903.2.1.4 Group A-4**
- Section: **903.2.1.5 Group A-5**
- Section: **903.2.2 Group E**
- Section: **903.2.3 Group F-1**
- Section: **903.2.6 Group M**
- Section: **903.2.7 Group R**
- Section: **903.2.8 Group S-1**
- Section: **903.2.8.1 Repair Garages**
- Section: **903.2.8.2 Bulk Storage of Tires**
- Section: **903.2.9 Group S-2**
- Section: **903.2.9.1 Commercial Parking Garages**
- Section: **903.2.10.3 Buildings 55 feet or More in Height**

V-300-2.27 Section 903.3.5.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**SECTION 903.3.5.3. Riser Location.** The fire sprinkler system riser shall not be located within electrical rooms or storage closets and shall be provided with clear access and working clearance.

V-300-2.28 Section 914.3.5.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**SECTION 914.3.5.1 Fire Command.** The equipment and furnishings listed below shall be installed in Fire command Center for the exclusive use of Fire Department personnel. The fire code official may require additional equipment and furnishings or replacement of items that are unreliable or obsolete. All items listed in Section 509 of the International Fire Code as adopted herein.

- 1) A second telephone with a direct connection to the public telephone system.
- 2) A table with chairs (size and number of chairs to be determined by the fire code official).
- 3) A locking key box, acceptable to the fire code official, large enough for 10 sets of master keys.
- 4) Ten (10) sets of master keys for the building.
- 5) A complete set of architectural, electrical, mechanical and plumbing plans for the building.
- 6) Anchor devices meeting Fire department requirements shall be placed on the roof and used by the Fire department for repelling purposes.
- 7) High-rise buildings greater than 150' in height (above the lowest level of Fire department access) may be required to provide a helicopter pad, which meets the requirements of the Fire department.

V-300-2.29 Section 914.12 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**914.12 Special Provisions For Group B office Buildings and Group R Division 1 and 2 Occupancies.** All Group B office buildings and Group R, Division 1 & 2 Occupancies, each having floor used for human occupancy located more than 60 feet above the lowest level of Fire Department vehicle access, or more than 4 stories in height.

1. Equipment cache rooms shall be located on the 1<sup>st</sup> floor above the ground floor, and every other floor thereafter, or as directed by the fire agency.
2. Each equipment storage room size should be a minimum of 4' deep, full height (8' to 9'), with a door the minimum width of 43". A roll-up door can be used provided it has a 43" minimum width and unobstructed access. It shall have a power outlet to provide electricity, a light (connected to a 'timer'), be sprinklered, and be locked with a 'break-away' type lock. Fixed shelving<sup>1</sup> shall be provided in a configuration approved by the fire agency to store items that may include, but not be limited to:
  - 2 - Hotel Hose pack (double jacketed hose) with 100 feet of 1¾-inch fire hose and a 1½" variable fog nozzle (Task Force Tip, 1 ¾") with a detachable bail, both having National Standard threads. Each pack to have 1-spanner wrench, 1- 2 ½" X 1 ½" gated wye, and 1-2 ½" X 1 ½" reducer coupling Red Head Brass 2 ½" X 1 ½" reducer
  - 2 - 50' banded hose rolls (North American Hose)
  - 2 - 2-1/2" 10' hose with one male end connector & female end connector both with National Standard threads ('Stynger')
  - 1-Hooligan tool (Paratech Hooligan, 11 pound)
  - 2 - pick head axe (Council Axe, Pick head)
  - 1-Little Giant Ladder, or 1- attic ladder; Fire agency to determine type.
  - 1- 3' Ames Tru Temper Wrecking bar,
  - 12 -Open Door Industries, door stops
  - 4 – salvage covers (blue tarps) measuring 18' X 24' with grommets every 16"
  - 3-Spare sprinkler heads, for each type used (these are in addition to those required in the riser room)
  - 1-each Sprinkler head wrench(es), one for each type of head used
  - 1-Push type cart for use to move air bottles (type subject to Fire agency approval)
  - 1-Rapid Intervention Pack (RIT) (location to be determined by Fire agency)
  - 1- Evacuation Chair Stryker Model 6253 (per side)
  - Air Bottles\*: Fixed SCBA bottle storage rack, number of bottles to be determined by the fire agency. A minimum capacity for 8 bottles per closet shall be provided. Individual rack slots should be positioned for horizontal storage, and be oversized to accommodate changes in bottle sizes. Current manufacturer is 'Survivair' 4500psig, 45 minute bottle, H.P. carbon

\*When required, an air bottle filling system shall have the fill access port located at a reasonable distance from each structure that takes into account debris fall out & collapse zones. A 'monument-type' fill station port should be located near a public roadway, not adjacent to the structure. The underground piping system, designed and installed with stainless steel welded fittings and piping, should terminate at this monument. A weather tight access panel with Knox-box key entry should also be provided. The storage system should be designed to provide enough air @ 4500 psig for up to fifty 45 minute bottles, prior to augmentation by an outside air source.

<sup>1</sup> Shelving shall be every 16" after ladder placement is determined.

- V-300-2.30      **Section 907.2.12 High-rise Buildings** exception number 5 is deleted.
- V-300-2.31      **Section 914.2.1 Automatic sprinkler systems** exception under item number 2 (open parking garages) is deleted.
- V-300-2.32      **Section 914.3.1 Automatic sprinkler systems** exceptions 1 and 2 are deleted.
- V-300-2.33      **Section 914.4.1 Automatic Sprinkler Systems** exceptions 1 and 2 are deleted.
- V-300-2.34      **Section 914.6.1 Automatic Sprinkler Systems** exceptions 1 and 2 are deleted.
- V-300-2.35      Section 1404.8 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**1404.8 Fire Walls.** When firewalls are required, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather-protected at the location of the wall(s).

- V-300-2.36      Amend Section 1411.1 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**[B] 1411.1 Stairways Required.** All floor levels above the first story in new multi-story buildings that require 2 exit stairs shall be provided with at least two usable exit stairways (temporary or permanent) after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

**Exception:** For new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

- V-300-2.37      Section 1411.1.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**SECTION 1411.1.1 Required Means Of Egress.** All new buildings under construction shall have a least one unobstructed means of egress. All means of egress shall be identified in the fire safety plan as required by the fire code official.

- V-300-2.38      Section 1413.1 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**SECTION 1413.1 Where required.** Buildings four or more stories in height shall be provided with not less than one standpipe for use during construction. Such standpipes shall be installed when the progress of construction is not more than 35 feet (10668 mm) in height above the lowest level of fire department access. Such standpipe shall be provided with fire department hose connections at accessible locations adjacent to usable stairs. Such standpipes shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

- V-300-2.39      Section 1802 of the California Fire Code, 2007 Edition, is amended by modifying the definition of Continuous Gas Detection System and by deleting the definition of Workstation as follows:

**CONTINUOUS GAS DETECTION SYSTEM.** An approved gas detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis is allowed to be performed on a cyclical basis at intervals not to exceed 30 minutes. In occupied areas where air is re-circulated and not exhausted to a treatment system (e.g. breathing zone), the Chief may require a cyclical basis at intervals not to exceed 5 minutes. The gas detection system shall be able to detect the presence of a gas at or below the permissible exposure limit in occupiable areas and at or below ½ IDLH (or 0.05 LC 50 if no established IDLH) in unoccupiable areas.

The definition for **WORKSTATION** is deleted.

- V-300-2.40      Section 1907.6 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**1907.6 Fire Protection Water Supply System.** An approved hydrant and hose system or portable fire-extinguishing equipment suitable for the fire hazards involved shall be provided for open storage yards and processing areas. Hydrant and hose systems shall be installed in accordance with NFPA 24

V-300-2.41 Section 1908.11 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**1908.11 Fire Protection Water Supply System.** An approved hydrant and hose system or portable fire-extinguishing equipment suitable for the fire hazards involved shall be provided for open storage yards and processing areas. Hydrant and hose systems shall be installed in accordance with NFPA 24.

V-300-2.42 Section 2403.2 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**2403.2 Approval required.** Tents and membrane structures having an area in excess of 200 square feet (19 m<sup>2</sup>) and canopies in excess of 400 square feet (37 m<sup>2</sup>) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

**Exceptions:**

1. Tents used exclusively for recreational camping purposes.

V-300-2.43 **Chapter 25. Tire Rebuilding and Tire Storage,** of the 2006 International Fire Code is hereby adopted in its entirety.

V-300-2.44 Section 2701.2.2.2 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**2701.2.2.2 Health Hazards.** The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

1. Highly toxic, toxic and moderately toxic.
2. Corrosive materials.

V-300-2.45 Section 2702 of the California Fire Code, 2007 Edition, is amended by modifying the definition of Secondary Containment as follows:

**SECONDARY CONTAINMENT.** Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

V-300-2.46 Section 2701.1.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**SECTION 2701.1.2 Other Requirements.** This chapter shall include those parts of Chapter 6.95 (commencing with Section 25500) and Chapter 6.7 (commencing with Section 25280) of the Health and Safety code which impose additional requirements or are more restrictive.

Any person who violates Health and Safety Code SS 25507 shall be subject to the penalties specified in Health and Safety Code SS 25515. The violation of any other Health and Safety Code Sections specified in this paragraph shall constitute a misdemeanor.

V-300-2.47 Section 2703.1.3.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**2703.1.3.1 Toxic, Highly Toxic, Moderately Toxic gases and similarly used or handled materials.** The storage, use and handling of toxic, highly toxic and moderately toxic gases in amounts exceeding Table 3704.2 or 3704.3 shall be in accordance with this chapter and Chapter 37. Any toxic, highly toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for toxic, highly toxic or moderately toxic gases.

V-300-2.48 Section 2703.1.5 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**2703.1.5 Secondary Containment Requirements.** A containment system shall be required for all hazardous materials, which are liquids or solids at normal temperature, and pressure (NTP) where a spill is determined to be a plausible event and where such an event would endanger, people, property or the environment. Construction shall be substantial, capable of safely and securely containing a sudden release without discharge. Design criteria shall be performance oriented and constructed of physically and chemically compatible materials to resist degradation and provide structural and functional integrity for a period of time reasonably necessary to ensure detection, mitigation, and repair of the primary system. Monitoring of secondary containment shall be accordance with Section 2704.2.2.5.

V-300-2.49 Section 2703.2.2.1 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**2703.2.2.1 Design And Construction.** Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings and related components shall be designed and fabricated from materials compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.
2. Piping and tubing shall be identified in accordance with ASME A13.1 and Santa Clara County Fire Chiefs Marking Requirements and Guidelines for Hazardous Materials and Hazardous Waste to indicate the material conveyed.
3. Readily accessible manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:
  1. The point of use.
  2. The tank, cylinder or bulk use.
4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be identified and the location shall be clearly visible accessible and indicated by means of a sign.
5. Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.
6. Where gases or liquids having a hazard ranking of:
  - Health hazard Class 3 or 4
  - Flammability Class 4
  - Reactivity Class 4

in accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig)(103 Kpa), an approved means of leak detection, emergency shutoff and excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

**Exceptions:**

1. Piping for inlet connections designed to prevent backflow.
  2. Piping for pressure relief devices.
7. Secondary containment or equivalent protection from spills shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Tables 3704.2 and 3704.3. Secondary containment includes, but is not limited to double walled piping.

**Exceptions:**

1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
  2. Piping under sub-atmospheric conditions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.
8. Expansion chambers shall be provided between valves whenever the regulated gas may be subjected to thermal expansion. Chambers shall be sized to provide protection for piping and instrumentation and to accommodate the expansion of regulated materials.

V-300-2.50 Section 2703.2.2.2 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**2703.2.2.2 Additional Regulation for Supply Piping for Health Hazard Materials.** Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 in accordance with ASME B31.3 and the following:

1. Piping and tubing utilized for the transmission of toxic, highly toxic, or highly volatile corrosive liquids and gases shall have welded or brazed connections throughout except for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.

2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H Occupancies.

**Exception:** Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies when installed in accordance with Section 415.8.6.3 of the California Building Code as required for Group H, Division 5 Occupancies.

3. Primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of  $1 \times 10^{-9}$  cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified "third party" not involved with the construction of the piping and control systems.

V-300-2.51 Section 2703.3.1 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**2703.3.1 Unauthorized Discharges.** When hazardous materials are released in quantities reportable under state, federal or local regulations or when there is a threatened release that presents a threat to health, property or the environment, the fire code official shall be notified immediately in an approved manner and the following procedures required in accordance with Sections 2703.3.1.1 through 2703.3.1.4.

V-300-2.52 Section 2703.5.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**2703.5.2 Ventilation Ducting.** Product conveying ducts for venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

V-300-2.53 Section 2703.5.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**2703.5.3 "H" Occupancies.** In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

V-300-2.54 Section 2703.9.8 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**2703.9.8 Separation of Incompatible Materials.** Incompatible materials in storage and storage of materials that are incompatible with materials in use shall be separated. When the stored materials are in containers having a capacity of more than 5 pounds (2 kg) or 0,5 gallon (2 L), separation shall be accomplished by:

1. Segregating incompatible materials in storage by a distance of not less than 20 feet (6096 mm) and in an independent containment system.
2. Isolating incompatible materials in storage by a noncombustible partition extending not less than 18 inches (457 mm) above and to the sides of the stored material.
3. Storing liquid and solid materials in hazardous material storage cabinets.
4. Storing compressed gases in gas cabinets or exhausted enclosures in accordance with Sections 2703.8.5 and 2703.8.6. Materials that are incompatible shall not be stored within the same cabinet or exhausted enclosure.

V-300-2.55 Section 2703.9.10 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**2703.9.10 Fire Extinguishing Systems For Workstations Dispensing, Handling or Using Hazardous Materials.** Combustible and non-combustible workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 1803.10.

**Exception:** Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500 ml.

V-300-2.56 Section 2704.2.1 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**2704.2.1 Spill Control for Hazardous Material Liquids.** Rooms, buildings or areas used for storage of hazardous material liquids shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.

3. Sumps and collection systems.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

V-300-2.57 Section 2704.2.2 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**2704.2.2 Secondary Containment for Hazardous Material Liquids and Solids.** Buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section.

V-300-2.58 Table 2704.2.2 of the California Fire Code, 2007 Edition is hereby deleted.

V-300-2.59 Section 2705.4.4 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**2705.4.4 Emergency Alarm.** When hazardous materials having a hazard ranking of 3 or 4 in accordance with NFPA 704, or toxic gases exceeding 10 cu. ft. and any amount of highly toxic compressed gases are transported through corridors or exit enclosures, there shall be an emergency telephone system, a local manual alarm station or an approved alarm-initiating device at not more than 150-foot (45,720 mm) intervals and at each exit and exit-access doorway throughout the transport route. The signal shall be relayed to an approved central, proprietary or remote station service or constantly attended on-site location and shall also initiate a local audible alarm.

V-300-2.60 Section 3102 of the California Fire Code, 2007 Edition, is amended by adding the definition of Corrosive Liquid as follows:

**CORROSIVE LIQUID.** Corrosive liquid is a liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action. Examples include acidic, alkaline or caustic materials. Such material will be considered corrosive when the Ph is 2 or less or 12.5 or more, except for foodstuffs or medicine. Included are Department of Transportation and Title 22, California Code of Regulations, 66261.22 classed corrosives.

V-300-2.61 Section 3301.1 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3301.1 Scope.** For explosives requirements see Title 19 California Code of Regulations Chapter 10 and Section 3301.1.1 of this Chapter. For fireworks requirements see Title 19 California Code of Regulations, Chapter 6 and Section 3301.1.2 of this Chapter.

**Exceptions:**

1. The armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements.
4. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
5. Items preempted by federal regulations.

V-300-2.62 Section 3301.1.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3301.1.1. Explosives.** The possession, manufacture, storage, sale, handling, and use of explosives are prohibited.

**Exceptions:**

1. Possession, storage, handling and use of explosives for test and research purposes are allowed with permit and approval of the fire code official.
2. Possession, storage, handling and use of squibs, explosive nuts or bolts and similar small quantity explosive devices are allowed with permit and approval of the fire code official.

V-300-2.63 Section 3301.1.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3301.1.2 Fireworks.** The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

**Exceptions:**

1. Storage, handling and use of fireworks and pyrotechnic special effects outside of buildings when used for public or proximate audience displays, motion picture, television, theatrical and group entertainment productions when handled and used by a licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and permitted in accordance with this Chapter.
2. Storage, handling and use of pyrotechnic special effects fireworks inside of buildings, equipped throughout with an approved fire sprinkler system, when used for proximate audience displays or special effects in theatrical, television, motion picture and group entertainment productions and when handled and used by a licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and permitted in accordance with this Chapter.

V-300-2.64 Section 3301.1.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3301.1.3 Rocketry.** The storage, handling, and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and as approved by the Fire code official.

V-300-2.65 Section 3404.2.7.5.8 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3404.2.7.5.8 Overfill Prevention.** An approved means or method in accordance with Section 3404.2.9.6.6 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 3406.4 or 3406.7 shall have overfill protection in accordance with API 2350.

V-300-2.66 Section 3404.2.7.5.9 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3404.2.7.5.9 Automatic Filling of Tanks.** Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

V-300-2.67 Section 3404.2.13.1.4 of the California Fire Code, 2007 Edition, is amended to delete exception under item 3.

V-300-2.68 Section 3701.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3701.3 Moderately Toxic Gases With A LC50 Equal To Or Less Than 3000 Parts Per Million.** Notwithstanding the hazard class definition in Section 3702, moderately toxic gases with an LC50 less than 3000 parts per million shall additionally comply with the requirements for toxic gases in Section 3704 of this code.

V-300-2.69 Section 3702 of the California Fire Code, 2007 Edition, is amended by adding the definition of Moderately Toxic Gas as follows:

**MODERATELY TOXIC GAS.** Moderately toxic gas is a chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

Maximum Threshold Quantity (Max TQ) is the maximum quantity of a moderately toxic or toxic gas, which may be stored in a single vessel before a more stringent category of regulation is applied. The following equation shall be used to calculate the Max TQ:

$$\text{Max TQ (pounds)} = \text{LC50 (ppm)} \times 2 \text{ lb.}$$

V-300-2.70 Section 3704.1.4 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3704.1.4 Automatic Shut-Off Valve.** An automatic shut-off valve, which is of a fail-safe to close design, shall be provided to shut off the supply of highly toxic gases for any of the following:

1. Activation of a manual fire alarm system.
2. Activation of the gas detection system.
3. Failure of emergency power.
4. Failure of primary containment.
5. Seismic activity.
6. Failure of required ventilation.
7. Manual activation at an approved remote location.

V-300-2.71 Section 3704.1.5 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.5 Emergency Control Station.** Signals from emergency equipment used for highly toxic gases shall be transmitted to an emergency control station or other approved monitoring station, which is continually staffed by trained personnel.

V-300-2.72 Section 3704.1.6 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.6 Maximum Threshold Quantity.** Toxic gases stored or used in quantities exceeding the maximum threshold quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for highly toxic gases of Section 3704 of this code.

Moderately toxic gases stored or used in quantities exceeding the maximum threshold quantity. in a single vessel per control area or outdoor control area shall comply with the additional requirements for toxic gases of Section 3704 of this code.

V-300-2.73 Section 3704.1.7 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.7 Reduced Flow Valve.** All containers of materials other than lecture bottles containing Highly Toxic material and having a vapor pressure exceeding 29 psia shall be equipped with a reduced flow valve when available. If a reduced flow valve is not available, the container shall be used with a flow-limiting device. All flow limiting devices shall be part of the valve assembly and visible to the eye when possible; otherwise, they shall be installed as close as possible to the cylinder source.

V-300-2.74 Section 3704.1.8 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.8 Annual Maintenance.** All safety control systems at a facility shall be maintained in good working condition and tested not less frequently than annually. Maintenance and testing shall be performed by persons qualified to perform the maintenance and tests. Maintenance records and certifications shall be available to any representative of the Fire Department for inspection upon request.

V-300-2.75 Section 3704.1.9 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.9 Fire Extinguishing Systems.** Buildings and covered exterior areas for storage and use areas of materials regulated by this Chapter shall be protected by an automatic fire sprinkler system in accordance with NFPA 13. The design of the sprinkler system for any room or area where highly toxic, toxic and moderately toxic gases are stored, handled or used shall be in accordance with Section 2704.5.

V-300-2.76 Section 3704.1.10 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.10 Local Gas Shut Off.** Manual activation controls shall be provided at locations near the point of use and near the source, as approved by the fire code official. The fire code official may require additional controls at other places, including, but not limited to, the entry to the building, storage or use areas, and emergency control stations. Manual activated shut-off valves shall be of a fail-safe-to-close design.

V-300-2.77 Section 3704.1.11 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.11 Exhaust Ventilation Monitoring.** For highly toxic gases and toxic gases exceeding threshold quantities, a continuous monitoring system shall be provided to assure that the required exhaust ventilation rate is maintained. The

monitoring system shall initiate a local alarm. The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use, or handling area.

V-300-2.78 Section 3704.1.12 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.12 Emergency Response Plan.** If the preparation of an emergency response plan for the facility is not required by any other law, responsible persons shall prepare, or cause to be prepared, and filed with the fire code official, a written emergency response plan. If the preparation of an emergency response plan is required by other law, a responsible person shall file a copy of the plan with the fire code official.

V-300-2.79 Section 3704.1.13 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.13 Emergency Response Team.** Responsible persons shall be designated the on-site emergency response team and trained to be liaison personnel for the Fire Department. These persons shall aid the Fire Department in preplanning emergency responses, identifying locations where regulated materials are stored, handled and used, and be familiar with the chemical nature of such material. An adequate number of personnel for each work shift shall be designated.

V-300-2.80 Section 3704.1.14 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.14 Emergency Drills.** Emergency drills of the on-site emergency response team shall be conducted on a regular basis but not less than once every three months. Records of drills conducted shall be maintained.

V-300-2.81 Section 3704.1.15 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.15 Cylinder Leak Testing.** Cylinders shall be tested for leaks immediately upon delivery and again immediately prior to departure. Testing shall be approved by the fire code official in accordance with appropriate nationally recognized industry standards and practices, if any. Appropriate remedial action shall be immediately undertaken when leaks are detected.

V-300-2.82 Section 3704.1.16 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.16 Inert Gas Purge System.** Gas systems shall be provided with dedicated inert gas purge systems. A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems shall be located in an approved gas cabinet unless the system operates by vacuum demand.

V-300-2.83 Section 3704.1.17 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**3704.1.17 Seismic Shutoff Valve.** An automatic seismic shut-off valve, which is of a fail-safe to close design, shall be provided to shutoff the supply of highly toxic, toxic and moderately toxic gases with an LC<sub>50</sub> less than 3000 parts per million.

V-300-2.84 Section 3704.2 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3704.2 Indoor Storage and Use.** The indoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 3704.2.1 through 3704.2.2.10.3.3. The threshold quantity for highly toxic, toxic and moderately toxic gases for indoor storage and use are set forth in Table 3704.2.

V-300-2.85 Table 3704.2 to be added to read as follows:

<b>Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use</b>	
Highly Toxic	0
Toxic	10 cubic feet
Moderately Toxic	20 cubic feet

V-300-2.86 Section 3704.2.1 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3704.2.1 Applicability.** The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 3704.2.1.1 through 3704.2.1.3.

V-300-2.87 Section 3704.2.1.1 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3704.2.1.1 Quantities Not Exceeding the Maximum Allowable Quantity per Control Area.** The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts exceeding the threshold quantity per control area set forth in Table 3704.2 shall be in accordance with Sections 2701, 2703, 3701, 3704.1 and 3704.2,

V-300-2.88 Section 3704.2.2 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3704.2.2 General indoor requirements.** The general requirements applicable to the indoor storage and use of highly toxic and toxic compressed gases shall be in accordance with Sections 3704.2.2.1 through 3704.2.2.10.3.

Moderately toxic gases with an LC<sub>50</sub> less than 3000 parts per million shall comply with the requirements for toxic gases in Sections 3704.2.2.1 through 3704.2.2.10.3

All other moderately toxic gases exceeding the threshold quantity shall comply with the requirements for toxic gases in Sections 3704.2.2.1 through 3704.2.2.7.

V-300-2.89 Section 3704.2.2.7 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3704.2.2.7 Treatment Systems.** The exhaust ventilation from gas cabinets, exhausted enclosures, gas rooms and local exhaust systems required in Section 3704.2.2.4 and 3704.2.2.5 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in accordance with Sections 3704.2.2.7.1 through 3704.2.2.7.5 and Section 505 of the California Mechanical Code.

**Exceptions:**

1. Highly toxic, toxic and moderately toxic gases storage. A treatment system is not required for cylinders, containers and tanks in storage when all of the following are provided:
  - 1.1. Valve outlets are equipped with gas-tight outlet plug or caps.
  - 1.2. Hand wheel-operated valves have handles secured to prevent movement.
  - 1.3. Approved containment vessels or containment systems are provided in accordance with Section 3704.2.2.3.

V-300-2.90 Section 3704.2.2.10.1 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3704.2.2.10.1 Alarms.** The gas detection system shall initiate a local alarm and transmit a signal to a constantly attended control station when a short-term hazard condition is detected. The alarm shall be both visual and audible and shall provide warning both inside and outside the area where the gas is detected. The audible alarm shall be distinct from all other alarms.

V-300-2.91 Section 3704.3 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3704.3 Outdoor Storage and Use.** The outdoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 3704.3.1 through 3704.3.4. The threshold quantity for highly toxic, toxic and moderately toxic gases for outdoor storage and use are set forth in Table 3704.3.

V-300-2.92 Table 3704.3 is added to read as follows:

<b>Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Outdoor Storage and Use</b>	
Highly Toxic	0
Toxic	10 cubic feet
Moderately Toxic	20 cubic feet

V-300-2.93 Section 3704.3.1 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3704.3.1 Applicability.** The applicability of regulations governing the outdoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 3704.3.1.1 through 3704.3.1.3.

V-300-2.94 Section 3704.3.1.1 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3704.3.1.1 Quantities Not Exceeding The Maximum Allowable Quantity Per Control Area.** The outdoor storage or use of highly toxic and toxic gases in amounts exceeding the threshold quantity per control area set forth in Table 3704.3 shall be in accordance with Sections 2701, 2703, 3701, 3704.1, and 3704.3.

Moderately toxic gases with an LC50 less than 3000 parts per million in amounts exceeding the threshold quantity in Table 3704.3 shall comply with the requirements for toxic gases in Sections 2701, 2703, 3701, 3704.1 and 3704.3.

Moderately toxic gases in amounts exceeding the threshold quantity in Table 3704.3 shall comply with the requirements for toxic gases in Sections 2701, 2703, 3701, 3704.1 and 3704.3.2.1 through 3704.3.2.5.

V-300-2.95 Section 3704.3.3 of the California Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**3704.3.3 Outdoor storage weather protection for portable tanks and cylinders.** Weather protection in accordance with Section 2704.13 and this section shall be provided for portable tanks and cylinders located outdoors and not within gas cabinets or exhausted enclosures. The storage area shall be equipped with an approved automatic sprinkler system in accordance with Section 2704.5.

V-300-2.96 **Chapter 45 Referenced Standards** is hereby amended to include the following referenced standards:

NFPA 96-01, "Standard for Hood and Duct Systems"

NFPA 318-02, "Installation Standard for Fire Protection Systems in Clean Rooms"

V-300-2.97 Section 4703 PLANS of the 2006 California Fire Code is hereby amended as follows:

#### **4703 Fire Protection Plan**

V-300-2.98 Section 4703.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4703.1 General.** When required by the fire code official, a fire protection plan shall be prepared.

V-300-2.99 Section 4703.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4703.2 Content.** The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

V-300-2.100 Section 4703.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4703.3 Cost.** The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

V-300-2.101 Section 4703.4 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4703.4 Plan retention.** The fire protection plan shall be retained by the fire code official.

V-300-2.102 Section 4707 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

#### **SECTION 4707 DEFENSIBLE SPACE**

V-300-2.103 Section 4707.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4707.1 General.** Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining the Wildland-Urban Interface Fire Area and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.

**Exception:** Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) from such buildings or structures, when required by the fire code official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient.

**Exception:** Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood; and
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

V-300-2.104 Section 4707.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4707.2 Corrective Actions.** The executive body is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 4707.1 exist to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists

V-300-2.105 Section 4714.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4714.1 General.** Buildings and structures, or portions thereof, hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire apparatus access in accordance with this chapter.

V-300-2.106 Section 4714.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4714.2 Driveways.** Driveways with an all-weather surface shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45 720 mm) from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet (3658 mm) and a minimum unobstructed height of 13 feet 6 inches (4115 mm). Driveways in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds. Driveways in excess of 200 feet (60 960 mm) in length and less than 20 feet (6096 mm) in width shall be provided with turnouts in addition to turnarounds. An all-weather surface shall be any surface material acceptable to the fire code official.

A driveway shall not serve in excess of two dwelling units.

**Exception:** When such driveways meet the requirements for an access road in accordance with this chapter.

Driveway turnarounds shall be in accordance with Fire Department Standards. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

Driveway turnouts shall be an all-weather road surface at least 10 feet (3048 mm) wide and 30 feet (9144 mm) long. Driveway turnouts shall be located as required by the fire code official.

Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the fire code official.

V-300-2.107 Section 4714.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4714.3 Fire apparatus access roads.** Fire apparatus access roads shall be all weather roads with a minimum width of 20 feet (6096 mm) and a clear height of 13 feet 6 inches (4115 mm); and shall be designed in accordance with Fire Department Standards. Dead-end roads in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds designed in accordance with Fire Department Standards. An all-weather road surface shall be any surface material acceptable to the fire code official.

V-300-2.108 Section 4715 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

## **4715 WATER SUPPLY**

V-300-2.109 Section 4715.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4715.1 General.** Buildings and structures, or portions thereof, hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire protection water supplies in accordance with this chapter.

**Exception:** Buildings containing only private garages, carports, sheds and agricultural buildings with a building area of not more than 500 square feet (56 m2).

V-300-2.110 Section 4715.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4715.2 Water sources.** The point at which a water source is available for use shall be located not more than 500 feet from all portions of the exterior walls of the building and be approved by the fire code official. The distance shall be measured along an unobstructed line of travel.

Water sources shall have a minimum usable water volume as determined by the adequate water supply needs in accordance with Section 4715.4. This water source shall be equipped with an approved hydrant. The water source shall be provided and maintained by a recognized water purveyor, mutual water company or water pumped from a well. The design, construction, location, water level maintenance, access, and access maintenance of man-made water sources shall be approved by the fire code official.

V-300-2.111 Section 4715.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4715.3 Hydrants.** All hydrants shall be designed and constructed in accordance with nationally recognized standards. The location and access shall be approved by the fire code official.

V-300-2.112 Section 4715.4 to read: is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4715.4 Adequate water supply.** Adequate fire protection water supplies shall be as follows:

1. **One- and two-family dwellings.** The required fire protection water supply for one- and two- family dwellings shall be in accordance with Appendix B.

**Exception:** The water supply duration need not exceed 30 minutes.

2. **Buildings other than one- and two-family dwellings.** The water supply required for buildings other than one-and two-family dwellings shall be in accordance with Appendix B.

**Exception:** The water supply duration need not exceed 2 hours.

V-300-2.113 Section 4715.5 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4715.5 Obstructions.** Access to all water sources required by this code shall be unobstructed at all times. The fire code official shall not be deterred or hindered from gaining immediate access to water source equipment, fire protection equipment or hydrants.

V-300-2.114 Section 4715.6 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4715.6 Identification.** Water sources, hydrants and fire protection equipment shall be clearly identified in a manner approved by the fire code official to identify location and to prevent obstruction by parking and other obstructions.

V-300-2.115 Section 4715.7 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4715.7 Testing and maintenance.** Water sources, hydrants and other fire protection equipment required by this code shall be subject to periodic tests as required by the fire code official. All such equipment installed under the provisions of this code shall be maintained in an operative condition at all times and shall be repaired or replaced where defective. Additions, repairs, alterations and servicing of such fire protection equipment and resources shall be in accordance with approved standards.

V-300-2.116 Section 4715.8 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4715.8 Clearance of fuel.** Defensible space shall be provided around water tank structures, water supply pumps and pump houses in accordance with Section 4707.

V-300-2.117 Section 4715.9 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4715.9 Standby power.** Stationary water supply facilities within the wildland-urban interface area dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with the Electrical Code to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

**Exceptions:**

1. When approved by the fire code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.
2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

V-300-2.118 Section 4716 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4716 AUTOMATIC FIRE SPRINKLER SYSTEMS**

V-300-2.119 Section 4716.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4716.1 General.** Buildings and structures located in wildland-urban interface areas shall be provided with automatic fire sprinkler protection in accordance with this chapter.

V-300-2.120 Section 4716.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4716.2 New Buildings.** An approved automatic fire sprinkler system shall be provided throughout all new buildings and structures located in the wildland-urban interface area.

**Exception:** Accessory structures that are non-habitable and of non-combustible construction that have a building area of 200 square feet or less.

V-300-2.121 Section 4716.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4716.3 Existing buildings.** An approved automatic fire sprinkler system shall be provided throughout all existing buildings located in the wildland-urban interface area when modifications are made that increase the building area.

V-300-2.122 Section 4717 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717 GENERAL REQUIREMENTS FOR SUPPRESSION AND CONTROL**

V-300-2.123 Section 4717.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.1 General**

V-300-2.124 Section 4717.1.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.1.1 Scope.** The provisions of this chapter establish general requirements applicable to new and existing properties located within wildland-urban interface areas.

V-300-2.125 Section 4717.1.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.1.2 Objective.** The objective of this appendix is to provide necessary fire-protection measures to reduce the threat of wildfire in a wildland-urban interface area and improve the capability of controlling such fires.

V-300-2.126 Section 4717.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2 Vegetation Control**

V-300-2.127 Section 4717.2.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.1 General.** Vegetation control shall comply with Sections 4717.2.2 through 4717.2.5.

V-300-2.128 Section 4717.2.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.2 Maintenance Of Defensible Space**

V-300-2.129 Section 4717.2.2.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.2.1 General.** Defensible spaces required by 4707 shall be maintained in accordance with Section 4717.2.2.

V-300-2.130 Section 4717.2.2.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.2.2 Modified Area.** Non-fire-resistive vegetation or growth shall be kept clear of buildings or structures, in accordance with Section 4707, in such a manner as to provide a clear area for fire suppression operations.

V-300-2.131 Section 4717.2.2.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.2.3 Responsibility.** Persons owning, leasing, controlling, operating or maintaining buildings or structures are responsible for maintenance of defensible spaces. Maintenance of the defensible space shall include modifying or removing nonfire-resistive vegetation and keeping leaves, needles and other dead vegetative material regularly removed from roofs of buildings and structures.

V-300-2.132 Section 4717.2.2.4 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.2.4 Trees.** Tree crowns extending to within 10 feet (3048 mm) of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm). Tree crowns within the defensible space shall be pruned to remove limbs located less than 6 feet (1829 mm) above the ground surface adjacent to the trees.

Portions of tree crowns that extend within 10 feet (3048 mm) of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm).

Deadwood and litter shall be regularly removed from trees.

V-300-2.133 Section 4717.2.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.3 Clearance Of Brush Or Vegetative Growth From Roadways.** The fire code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of non-fire-resistive vegetation growth.

**Exception:** Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

V-300-2.134 Section 4717.2.4 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.4 Clearance of brush and vegetative growth from electrical transmission and distribution lines.**

V-300-2.135 Section 4717.2.4.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.4.1 General.** Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section 4717.2.4.

**Exception:** Section 4717.2.4 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

V-300-2.136 Section 4717.2.4.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.4.2 Support Clearance.** Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the fire code official.

**Exception:** Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

V-300-2.137 Section 4717.2.4.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.4.3 Electrical distribution and transmission line clearances.**

V-300-2.138 Section 4717.2.4.3.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.4.3.1 General.** Clearances between vegetation and electrical lines shall be in accordance with 4717.2.4.3.

V-300-2.139 Section 4717.2.4.3.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.4.3.2 Trimming clearance.** At the time of trimming, clearances not less than those established by Table 4717.2.4.3.2 shall be provided. The radial clearances shown below are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

V-300-2.140 Table 4717.2.4.3.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**TABLE 4717.2.4.3.2  
MINIMUM CLEARANCES BETWEEN VEGETATION  
AND ELECTRICAL LINES AT TIME OF TRIMMING**

LINE VOLTAGE	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
2,400-72,000	4
72,001-110,000	6
110,001-300,000	10
300,001 or more	15

For SI: 1 foot = 304.8 mm.

**Exception:** The fire code official is authorized to establish minimum clearances different than those specified by Table 4717.2.4.3.2 when evidence substantiating such other clearances is submitted to and approved by the fire code official.

V-300-2.141 Section 4717.2.4.3.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.4.3.3 Minimum Clearance To Be Maintained.** Clearances not less than those established by Table 4717.2.4.3.3 shall be maintained during such periods of time as designated by the fire code official. The site-specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to the high voltage lines.

**Exception:** The fire code official is authorized to establish minimum clearances different than those specified by 4717.2.4.3.3.3 when evidence substantiating such other clearances is submitted to and approved by the fire code official.

V-300-2.142 Table 4717.2.4.3.3 to read is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**TABLE 4717.2.4.3.3  
MINIMUM CLEARANCES BETWEEN VEGETATION AND  
ELECTRICAL LINES TO BE MAINTAINED**

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30.5
230,001-500,000	115

For SI: 1 inch = 25.4 mm.

V-300-2.143 Section 4717.2.4.3.4 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.4.3.4 Electrical Power Line Emergencies.** During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 4717.2.3.3.3.

V-300-2.144 Section 4717.2.5 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.2.5 Correction Of Condition.** The fire code official is authorized to give notice to the owner of the property on which conditions regulated by Section 4717.2 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

V-300-2.145 Section 4717.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

### **4717.3 Access Restrictions**

V-300-2.146 Section 4717.3.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.3.1 Restricted Entry To Public Lands.** The fire code official is authorized to determine and publicly announce when wildland-urban interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of wildland-urban interface areas, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the wildland-urban interface area is closed to entry, is prohibited.

#### **Exceptions:**

1. Residents and owners of private property within wildland-urban interface areas and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

V-300-2.147 Section 4717.3.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

### **4717.3.2 Trespassing On Posted Private Property.**

V-300-2.148 Section 4717.3.2.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.3.2.1 General.** When the fire code official determines that a specific area within a wildland-urban interface area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be restricted or closed until changed conditions warrant termination of such restriction or closure. Such areas shall be posted in accordance with Section 4717.3.2.2.

V-300-2.149 Section 4717.3.2.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.3.2.2 Signs.** Approved signs prohibiting entry by unauthorized persons and referring to this code shall be placed on every closed area.

V-300-2.150 Section 4717.3.2.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.3.2.3 Trespassing.** Entering and remaining within areas closed and posted is prohibited.

**Exception:** Owners and occupiers of private or public property within closed and posted areas; their guests or invitees; authorized persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.

V-300-2.151 Section 4717.3.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.3.3 Use Of Fire Roads And Defensible Space.** Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

**Exception:** Public officers acting within their scope of duty. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

V-300-2.152 Section 4717.3.4 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.3.4 Use Of Motorcycles, Motor Scooters, Ultra light Aircraft And Motor Vehicles.** Motorcycles, motor scooters, ultra light aircraft and motor vehicles shall not be operated within wildland-urban interface areas, without a permit by the fire code official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

V-300-2.153 Section 4717.3.5 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.3.5 Tampering With Locks, Barricades, Signs And Address Markers.** Locks, barricades, seals, cables, signs and address markers installed within wildland-urban interface areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the fire code official shall not be unlocked.

V-300-2.154 Section 4717.4 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

#### **4717.4 Ignition Source Control**

V-300-2.155 Section 4717.4.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.1 General.** Ignition sources shall be in accordance with Section 4717.4.

V-300-2.156 Section 4717.4.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.2 Objective.** Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires.

V-300-2.157 Section 4717.4.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.3 Clearance From Ignition Sources.** Clearance between ignition sources and grass, brush or other combustible materials shall be maintained a minimum of 30 feet (9144 mm).

V-300-2.158 Section 4717.4.4 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.4 Smoking.** When required by the fire code official, signs shall be posted stating NO SMOKING. No person shall smoke within 15 feet (4572 mm) of combustible materials or non-fire-resistive vegetation.

**Exception:** Places of habitation or in the boundaries of established smoking areas or campsites as designated by the fire code official.

V-300-2.159 Section 4717.4.5 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.5 Equipment And Devices Generating Heat, Sparks Or Open Flames.** Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in wildland-urban interface areas without a permit from the fire code official.

**Exception:** Use of approved equipment in habitated premises or designated campsites that are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

V-300-2.160 Section 4717.4.6 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.6 Fireworks.** Fireworks shall not be used or possessed in wildland-urban interface areas.

V-300-2.161 Section 4717.4.7 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

#### **4717.4.7 Outdoor Fires.**

V-300-2.162 Section 4717.4.7.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.7.1 General.** No person shall build, ignite or maintain any outdoor fire of any kind for any purpose in or on any wildland-urban interface area, except by the authority of a written permit from the fire code official.

**Exception:** Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace or grill and are a minimum of 30 feet (9144 mm) from any combustible material or nonfire-resistive vegetation.

V-300-2.163 Section 4717.4.7.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.7.2 Permits.** Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under the following conditions:

1. When high winds are blowing,
2. When a person 17 years old or over is not present at all times to watch and tend such fire, or
3. When a public announcement is made that open burning is prohibited.

V-300-2.164 Section 4717.4.7.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.7.3 Restrictions.** No person shall use a permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

V-300-2.165 Section 4717.4.8 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.8 Outdoor Fireplaces, Permanent Barbecues And Grills.** Outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in wildland-urban interface areas without approval of the fire code official.

Outdoor fireplaces, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrestor, screen or door.

**Exception:** When approved by the fire code official, unprotected openings in barbecues and grills necessary for proper functioning.

V-300-2.166 Section 4717.4.9 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.9 Reckless Behavior.** The fire code official is authorized to stop any actions of a person or persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire.

V-300-2.167 Section 4717.4.10 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.4.10 Planting Vegetation Under Or Adjacent To Energized Electrical Lines.** No vegetation shall be planted under or adjacent to energized power lines that, at maturity, shall grow within 10 feet (3048 mm) of the energized conductors.

V-300-2.168 Section 4717.5 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

## **4717.5 Control of Storage**

V-300-2.169 Section 4717.5.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.5.1 General.** In addition to the requirements of the International Fire Code, storage and use of the materials shall be in accordance with Section 4717.5.

V-300-2.170 Section 4717.5.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.5.2 Hazardous Materials.** Hazardous materials in excess of 10 gallons (37.8 L) of liquid, 200 cubic feet (5.66 m<sup>3</sup>) of gas, or 10 pounds (4.54 kg) of solids require a permit and shall comply with nationally recognized standards for storage and use.

V-300-2.171 Section 4717.5.2.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

### **4717.5.2.1 Liquefied Petroleum Gas Installations**

V-300-2.172 Section 4717.5.2.1.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.5.2.1.1 General.** The storage of liquefied petroleum gas (LP gas) and the installation and maintenance of pertinent equipment shall be in accordance with the California Fire Code and recognized standards.

V-300-2.173 Section 4717.5.2.1.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.5.2.1.2 Location of Containers.** LP-gas containers shall be located within the defensible space in accordance with the California Fire Code.

V-300-2.174 Section 4717.5.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.5.3 Explosives.** Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas.

V-300-2.175 Section 4717.5.4 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

#### **4717.5.4 Combustible Materials.**

V-300-2.176 Section 4717.5.4.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.5.4.1 General.** Outside storage of combustible materials such as, but not limited to, wood, rubber tires, building materials or paper products shall comply with the other applicable sections of this code and this section.

V-300-2.177 Section 4717.5.4.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.5.4.2 Individual Piles.** Individual piles shall not exceed 5,000 square feet (465 m<sup>2</sup>) of contiguous area. Piles shall not exceed 50,000 cubic feet (1416 m<sup>3</sup>) in volume or 10 feet (3048 mm) in height.

V-300-2.178 Section 4717.5.4.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.5.4.3 Separation.** A clear space of at least 40 feet (12 192 mm) shall be provided between piles. The clear space shall not contain combustible material or nonfire-resistive vegetation.

V-300-2.179 Section 4717.5.4.4 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

#### **4717.5.4.4 Storage Of Firewood And Combustible Materials**

V-300-2.180 Section 4717.5.4.4.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.5.4.4.1 General.** Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the fire code official, storage of firewood and combustible material stored in the defensible space shall be located a minimum of 20 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

V-300-2.181 Section 4717.5.4.4.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.5.4.4.2 Storage For Off-Site Use.** Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard.

V-300-2.182 Section 4717.6 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

#### **4717.6 Dumping**

V-300-2.183 Section 4717.6.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.6.1 Waste Material.** Waste material shall not be placed, deposited or dumped in wildland-urban interface areas, or in, on or along trails, roadways or highways or against structures in wildland-urban interface areas.

**Exception:** Approved public and approved private dumping areas.

V-300-2.184 Section 4717.6.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.6.2 Ashes And Coals.** Ashes and coals shall not be placed, deposited or dumped in or on wildland-urban interface areas.

**Exceptions:**

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tight fitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from nonfire-resistive vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7620 mm) from nonfire-resistive vegetation or structures.

V-300-2.185 Section 4717.7 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.7 Protection Of Pumps And Water Storage Facilities**

V-300-2.186 Section 4717.7.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.7.1 General.** The reliability of the water supply shall be in accordance with Section 4717.7.

V-300-2.187 Section 4717.7.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.7.2 Objective.** The intent of this section is to increase the reliability of water storage and pumping facilities and to protect such systems against loss from intrusion by fire.

V-300-2.188 Section 4717.7.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.7.3 Fuel Modification Area.** Water storage and pumping facilities shall be provided with a defensible space of not less than 30 feet (9144 mm) clear of non-fire-resistive vegetation or growth around and adjacent to such facilities.

Persons owning, controlling, operating or maintaining water storage and pumping systems requiring this defensible space are responsible for clearing and removing nonfire-resistive vegetation and maintaining the defensible space on the property owned, leased or controlled by said person.

V-300-2.189 Section 4717.7.4 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.7.4 Trees.** Portions of trees that extend to within 30 feet (9144 mm) of combustible portions of water storage and pumping facilities shall be removed.

V-300-2.190 Section 4717.7.5 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.7.5 Protection Of Electrical Power Supplies.** When electrical pumps are used to provide the required water supply, such pumps shall be connected to a standby power source to automatically maintain electrical power in the event of power loss. The standby power source shall be capable of providing power for a minimum of two hours in accordance with the Electrical Code.

**Exception:** A standby power source is not required where the primary power service to pumps is underground as approved by the fire code official.

V-300-2.191 Section 4717.8 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.8 Land Use Limitations**

V-300-2.192 Section 4717.8.1 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.8.1 General.** Temporary fairs, carnivals, public exhibitions and similar uses must comply with all other provisions of this code in addition to enhanced ingress and egress requirements.

V-300-2.193 Section 4717.8.2 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.8.2 Objective.** The increased public use of land or structures in wildland-urban interface areas also increases the potential threat to life safety. The provisions of this section are intended to reduce that threat.

V-300-2.194 Section 4717.8.3 is hereby added to the California Fire Code, 2007 Edition, to read as follows:

**4717.8.3 Permits.** Temporary fairs, carnivals, public exhibitions or similar uses shall not be allowed in a designated wildland-urban interface area, except by permit from the fire code official.

Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property.

V-300-2.195 Section 101.1 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**101.1 Title.** These regulations shall be known as the Fire Code of the City of Milpitas, herein referred to as ‘this code’.

V-300-2.196 Section 104.10 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**104.10 Fire Investigations.** The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

The Fire Marshal and authorized members of the fire department shall have the powers of a peace officer pursuant to Penal Code Section 830.37. Other members of the fire department, as designated by the Chief, may issue citations for violations of fire-related laws and ordinances pursuant to Penal Code Section 836.5.

V-300-2.197 Section 105.1.4 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**105.1.4 Permits required.** The fee for each permit shall be as set forth by resolution of the City Council. The City may establish fees sufficient to recover its costs in administering this Chapter and no permit shall be issued until such fees have been paid.

V-300-2.198 Section 105.6 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**105.6 Required operational permits.** The fire code official is authorized to issue operational permits for the operations set forth in Appendix Chapter 1, sections 105.6.1 through 105.6. 51.

V-300-2.199 Table 105.6.8 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**TABLE 105.6.8  
PERMIT AMOUNTS FOR COMPRESSED GASES<sup>1</sup>**

TYPE OF GAS	AMOUNT (cubic feet) <sup>2</sup>
	X 0.0283 for m <sup>3</sup>
Corrosive	200
Flammable (except cryogenic and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant	200
Irritant	200
Moderately toxic	20
Other health hazards	200
Oxidizing (including oxygen)	200
Pyrophoric	Any amount
Radioactive	Any amount
Sensitizer	200
Toxic	Any Amount
Unstable (reactive)	Any amount

For SI: 1 cubic foot = 0.02832m<sup>3</sup>.

- 1 Refer to Chapters 27, 30, 32, 35, 37, 40 and 41 for additional requirements and exceptions.
- 2 Cubic feet measured at normal Temperature and pressure.

V-300-2.191 Table 105.6.10 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**TABLE 105.6.10  
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS**

<b>TYPE OF CRYOGENIC FLUID</b>	<b>INSIDE BUILDING (gallons)</b>	<b>OUTSIDE BUILDING (gallons)</b>
Flammable	More than 1	55
Inert	55	55
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

For SI: 1 gallon = 3.785 L

V-300-2.200 Table 105.6.20 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**TABLE 105.6.20  
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS<sup>1</sup>**

<b>TYPE OF MATERIAL</b>	<b>AMOUNT</b>
Carcinogens	10 pounds
Combustible liquids Inside Outside	25 gallons 55 gallons
Corrosive materials: Gases Liquids Solids	See Table 105.6.8 55 gallons 500 pounds
Cryogenics	See Table 105.6.10
Explosive materials	Any Amount
Flammable materials: Gases Liquids Solids	See Table 105.6.8 See Section 105.6.16 10 pounds
Highly toxic materials: Gases Liquids Solids	Any amount Any amount Any amount
Moderately toxic gas	20 cubic feet
Organic peroxides: Liquids: Class I-II Liquids: Class III Liquids: Class IV Liquids: Class V Solids: Class I-II Solids: Class III Solids: Class IV Solids: Class V	Any Amount 1 gallon 2 gallons No Permit Required Any Amount 10 pounds 20 pounds No Permit Required
Oxidizing materials: Gases Liquids: Class 4 Liquids: Class 3 Liquids: Class 2 Liquids: Class 1 Solids: Class 4 Solids: Class 3 Solids: Class 2	See Table 105.6.8 Any amount 1 gallon 10 gallons 55 gallons Any amount 10 pounds 100 pounds

Solids: Class 1	500 pounds
Other health hazards: Liquids Solids	55 gallons 500 pounds
Pyrophoric materials: Gases Liquids Solids	Any amount Any amount Any amount
Radioactive materials: Gases Liquids Solids	Any Amount See Section 105.6.48 See Section 105.6.48
Toxic materials: Gases Liquids Solids	See Table 105.6.8 10 gallons 100 pounds
Unstable (reactive) materials: Liquids Class 4 & 3 Class 2 Class 1 Solids Class 4 & 3 Class 2 Class 1	Any Amount 5 gallons 10 gallons  Any Amount 50 pounds 100 pounds
Water-reactive materials: Liquids Class 3 Class 2 Class 1 Solids Class 3 Class 2 Class 1	Any amount 5 gallons 55 gallons  Any Amount 50 pounds 500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454kg.

V-300-2.201 Section 105.6.16(3) of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95L) in a building or in excess of 55 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

V-300-2.202 Section 105.6.43 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**105.6.43 Temporary membrane structures, tents and canopies.** An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 200 square feet (19 m<sup>2</sup>), or a canopy in excess of 400 square feet (37 m<sup>2</sup>).

**Exceptions:**

1. Tents used exclusively for recreational camping purposes.

V-300-2.203 Section 105.6.48 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**105.6.48 Radioactive Materials.** To store or handle at any installation more than one microcurie (37,000 becquerel) of radioactive material not contained in a sealed source or more than 1 millicurie (37,000,000 becquerel) of radioactive

material in a sealed source or sources, or any amount of radioactive material for which a specific licenses from the Nuclear Regulatory Commission is required.

V-300-2.204 Section 105.6.49 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**105.6.49 Day care facility.** An operational permit is required to operate a day care facility.

V-300-2.205 Section 105.6.50 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**105.6.50 Residential care facility.** An operational permit is required to operate any residential care or service facility.

V-300-2.206 Section 105.6.51 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**105.6.51 Woodworking.** An operational permit is required to conduct woodworking operations involving mass production or involving more than one of each type of machine, or where machines are used continuously (as opposed to intermittently) or substantial products of sawdust may be a problem. See Chapter 19.

V-300-2.207 Section 105.7 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**105.7 Required construction permits.** The fire code official is authorized to issue construction permits for work as set forth in Appendix Chapter 1, sections 105.7.1 through 105.7. 14.

V-300-2.208 Section 105.7.13 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**105.7.13 Temporary membrane structures, tents and canopies.** A construction permit is required to erect an air-supported temporary membrane structure or a tent having an area in excess of 200 square feet (19 m<sup>2</sup>), or a canopy in excess of 400 square feet (37 m<sup>2</sup>).

**Exceptions:**

1. Tents used exclusively for recreational camping purposes

V-300-2.209 Section 105.7.14 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**105.7.14 Cryogenic Fluids.** Except where federal or state regulations apply and except for fuel systems of the vehicle, to produce, store or handle cryogenics in excess of the amounts listed in Table 105.6.10, to install a cryogenic vessel or piping system for the storage or distribution of cryogenics. See Chapter 32.

V-300-2.210 Section 105.9 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**105.9 Transmission of plans.** The Building and Safety Division shall transmit to the Fire Department a copy of each plan submitted for construction or alteration for all occupancy classifications. The fee for each permit shall be as set forth by resolution of the City Council. The City may establish fees sufficient to recover its costs in administering this Chapter and no permit shall be issued until such fees have been paid.

V-300-2.211 Section 106.1 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**106.1 Inspection Authority.** The fire code official is authorized to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the fire code official for the purposes of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, result in an unauthorized discharge of hazardous materials, or any violation of this code or any other law or standard affecting fire and life safety. The fee for each inspection shall be as set forth by resolution of the City Council. The City may establish fees sufficient to recover its costs in administering this Chapter.

V-300-2.212 Section 108.1 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**108.1 Appeals.** Whenever the Chief or his or her designee disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this Code do not apply or that the true intent and meaning of this Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the City Manager or designee within ten (10) calendar days from the date of the decision appealed. Appeals shall be carried out pursuant to the

provisions of Section 5 of the Standard Procedures Chapter of the Milpitas Municipal Code. An appeal shall stay all proceedings in furtherance of the act or decision appealed unless the Chief or his or her designee whose act is appealed shall certify in writing that a stay would, in his or her opinion, cause peril to life or property. Said certificate shall contain a detailed statement of the facts of which said peril arises and of the reasons for said opinion. The decision of the City Manager or designee shall be final.

V-300-2.213 Section 109.1.1 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**109.1.1 Abatement Of Fire And Life Safety Hazards By Fire Code Official.** If any person fails to comply with the orders of the fire code official, or if the fire code official is unable to locate the owner, operator, occupant or other person responsible within a reasonable time, the fire code official or any authorized representative may take such steps as are necessary to abate the hazard for the protection of the public safety. In no event is notice necessary before abatement, when the hazard is a clear and present danger to the public welfare. All costs related to such abatement shall become a lien or special assessment on the subject property.

V-300-2.214 Section 109.1.2 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**109.1.2 Criminal Or Civil Penalty For Violation; Payment Of Funds To Account.** Pursuant to the City's prosecutorial discretion, the City may enforce violations of the provisions of this code in any manner authorized by this section or by any other law, including but not limited to issuance of criminal citations, referral to the District Attorney, referral to the City Attorney, referral to other appropriate agencies, administrative actions and civil actions.

V-300-2.215 Section 109.1.3 hereby added to the International Fire Code, 2007 Edition, to read as follows:

**109.1.3 Misdemeanors – Continuing Violations.** Any person who violates any of the provisions of this code, any of the provisions of any written authority of the City Manager or his or her duly authorized agents and representatives or any provision of any permit issued pursuant to this code shall be guilty of an infraction/misdemeanor. Each and every day, or any part thereof, during which any such violation is committed, continued or allowed shall be a separate offense. Penalties for violations shall be as set forth by resolution of the City Council.

V-300-2.216 Section 109.1.4 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**109.1.4 Prosecution.** Every violation of this code shall be a misdemeanor; provided, however, that where the City Attorney or his or her duly authorized agents has determined that such action would be in the best interest of justice, the City Attorney may specify in the accusatory pleading, citation or amendment thereto that the violation shall be prosecuted as an infraction.

V-300-2.217 Section 109.1.5 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**109.1.5 Penalty For Infraction.** Each and every violation of this code, which is deemed an infraction, is punishable by:

- (1) A fine not exceeding one hundred dollars (\$100.00) for the first violation;
- (2) A fine not exceeding two hundred dollars (\$200.00) for the second violation of the same or similar provision within one year period; or,
- (3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation, after the second, of the same or similar provision of this Chapter within a one year period of the first violation.

V-300-2.218 Section 109.1.6 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**109.1.6 Penalty For Misdemeanor.** Each and every violation of this code, which is deemed a misdemeanor, is punishable by a penalty of not more than one thousand dollars (\$1,000.00) or by imprisonment in the City or County jail for a period not exceeding six (6) months, or, by both penalty and imprisonment.

V-300-2.219 Section 109.1.7 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**109.1.7 Enforcement Authority.** The following designated employee positions may enforce the provisions of this code by issuance of citations. Peace officers and persons employed in such positions are authorized to exercise the authority provided in Penal Code Section 836.5 and are authorized to issue citations for violations of this code. The designated employee positions are: the City Manager or his or her duly authorized agents and representatives.

V-300-2.220 Section 109.1.8 is hereby added to the International Fire Code, 2007 Edition, to read as follows:

**109.1.8 Civil Penalties.** Any person who intentionally, accidentally or negligently violates any provision of this code, any written authority of the City Manager or his or her duly authorized agents and representatives, or any provision of any permit issued pursuant to this code may be civilly liable to the City in the sum of not less than one hundred dollars (\$100.00) but not to exceed one thousand dollars (\$1,000.00) per day for each day in which such violation occurs or continues. The City may petition the municipal or superior court to impose, assess, and recover such sums. The civil penalty provided in this Section excludes inspection costs and abatement costs, is cumulative and not exclusive, and shall be in addition to all other remedies available to the City under state and federal law and local ordinances. Funds collected pursuant to this Section shall be paid to City's Fire Code Training account, which shall be a holding account to be used solely for Fire code enforcement training.

V-300-2.221 Section D101.1 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**D101.1 Scope.** Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the California Fire Code.

V-300-2.222 Section D103.1 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). See Figure D103.1.

**Exception:** The Fire Code Official may approve other condition that provides equivalent access.

V-300-2.223 Section D104.1 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**D104.1 Buildings with two or more fire apparatus access roads.** Buildings or facilities exceeding 30 feet (9144 mm), or three stories in height, or 50,000 square feet (5760m<sup>2</sup>) shall be provided with at least two means of fire apparatus access for each structure.

V-300-2.224 Section D104.2 of the International Fire Code, 2007 Edition, is deleted in its entirety.

V-300-2.225 Section D105.2 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**D105.2 Width.** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144) in height.

**Exception:** The Fire Code Official may approve the use of other usable space/area that provides equivalent required width.

V-300-2.226 Section D106.1 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**D106.1 Projects having more than 50 dwelling units.** Multiple-family residential projects having more than 50 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

V-300-2.227 Section D106.2 of the International Fire Code, 2007 Edition, is amended to read in its entirety as follows:

**D106.2 Projects having more than 200 dwelling units.** For Multiple-family residential projects having more than 200 units, the Fire Code Official may require more than two fire apparatus access roads.

V-300-2.228 Section D107.1 of the International Fire Code, 2007 Edition, exceptions No. 1 and No. 2 are deleted.

### **SECTION 3 SCHEDULE OF MISDEMEANORS, MMC TITLE 1 ADMINISTRATION, SECTION I**

Section I-1-4.09.3.3 of the Milpitas Municipal Code, (Administration and General Provisions) is hereby amended to read as follows:

Willful refusal or failure to comply with any lawful order of a police officer or fire department official.

### **SECTION 4 REPEAL OF CONFLICTING ORDINANCES**

Upon adoption of each new Fire Code, as amended, the previously adopted Fire Code is superseded in its entirety.

## **SECTION 5 PUBLICATION AND EFFECTIVE DATE**

Pursuant to the provisions of Government Code Section 36933, Summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within (15) days after the adoption of this Ordinance the Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall become effective January 1, 2008.

## **SECTION 6 SEVERABILITY**

The City Council declares that, should any provision, section, paragraph, sentence, or word of this amendment be rendered or declared invalid by a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of said chapter hereby adopted shall remain in full force and effect.