

CITY OF YUBA CITY
STAFF REPORT

Date: November 19, 2019
To: Honorable Mayor & Members of the City Council
From: Fire Department
Presented by: Jesse Frias, Fire Marshal

Summary

Subject: Fire Prevention Ordinance and the adoption of the 2019 CFC based on the 2018 Edition of the International Fire Code

Recommendation: Adopt an Ordinance Repealing and Reenacting Chapter 5 of Title 4 of the Yuba City Municipal Code Entitled Fire Prevention, and waive the second reading

Fiscal Impact: None for the locally adopted/amended portions. Minimal for the State mandated sections

Purpose:

To keep the local fire code edition consistent with the mandated State Fire Code.

Background:

Every three years the State of California adopts a new California Fire Code (CFC) and mandated its use throughout the state. This code is based on the latest edition of the International Fire Code (IFC) and includes amendments from various state agencies however; there are no major changes to this code. Local jurisdictions are granted the ability to modify this code, based on local climatic, geological, or topographic conditions, as well as adopt additional provisions of the IFC not adopted into the CFC.

Analysis:

This triennial cycle we are proposing no additional local amendments. We are only requesting that we move existing amendments forward from the current ordinance, as listed below:

- Installation of fire sprinkler system required in new commercial buildings greater than 3,599 square feet. Also includes provisions for installation in existing buildings greater than 3,599 square feet when undergoing substantial renovation or increasing square footage beyond 3599 square feet. This requirement has been a local amendment since 1992.
- Permit required from Fire Department for the sale of Safe and Sane Fireworks for the 4th of July. Entity selling fireworks is required to be a local, non-profit organization. Also limits number of fireworks booths to 1/2000 population. This has been a local amendment since 2003.
- Permit required from Fire Department to install security gates across Fire Department apparatus access roads. Also provides specific requirements for gate operation for

emergency access. This amendment was added when we began seeing gated communities. This has been a local amendment since 2003.

There are no substantial changes in the State code. Most of the changes are editorial, clarification, and/or relocations into different sections.

Fiscal Impact:

None for the locally adopted/amended portions. Minimal for the State mandated sections.

Alternatives:

If we do nothing, we will have the current ordinance still in effect that adopted the 2015 IFC, as well as the new CFC, which becomes effective January 1, 2020. This will create conflict between the two documents.

Recommendation:

Adopt an Ordinance Repealing and Reenacting Chapter 5 of Title 4 of the Yuba City Municipal Code Entitled Fire Prevention, and waive the second reading.

Attachments:

1. Ordinance

Prepared by:

/s/ Jesse Frias
Jesse Frias
Fire Marshal

Submitted by:

/s/ Michael Rock
Michael Rock
City Manager

Reviewed by:

Department Head

[WEF](#)

Finance

[SM](#)

City Attorney

[SLC by email](#)

ATTACHMENT 1

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
REPEALING AND RE-ENACTING CHAPTER 5 OF TITLE 4 REGARDING FIRE
PREVENTION AND THE 2018 INTERNATIONAL FIRE CODE**

The City Council of the City of Yuba City does ordain as follows:

Section 1. Chapter 5 of Title 4 of the Yuba City Municipal Code is hereby repealed.

Section 2. Chapter 5 of Title 4 of the Yuba City Municipal Code is re-enacted to read as follows:

**Chapter 5
Fire Prevention**

Section 4-5.01. Adoption of the International Fire Code.

That a certain document, copies of which are on file in the office of the City Clerk of the City of Yuba City, being marked and designated as the International Fire Code, 2018 edition, as approved by the California Building Standards Commission, with state amendments known as the 2019 California Fire Code, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, is hereby adopted as the Fire Code of the City of Yuba City, 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 of Yuba City 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 4-5.02 of this chapter.

Section 4-5.02. Revisions to the 2018 International Fire Code. The following sections of the International Fire Code and adopted appendices are hereby revised as follows:

Section 101. Add Section 101.6 Plan Review

101.6 Plan Review. The Chief, Fire Marshal, or his duly certified representative, shall review all plans for construction of buildings or remodels, other than one or two family dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire or endanger life from fire or panic or any violation of this Code, state laws and regulations, and any other local ordinances which may be under his jurisdiction.

Section 101. Add Section 101.7 Fees

101.7 Fees. The Fire Chief may establish a schedule of fees, as approved by the City Council, to be charged and collected for plan checking, required inspection services, and for the issuance of permits pursuant to Section 105 of this Code. IN ADDITION, THIS SCHEDULE MAY INCLUDE A FIRE SERVICE FEE TO BE CHARGED to any person, firm, corporation or business that through negligence, violation of the law, or as a result of carelessness, is responsible for the cause of any fire service response to the scene of such an incident. A copy of the fee schedules shall be kept in the office of the City Clerk and the Office of the Fire Marshal and shall be available for public inspection.

Section 103.2. Delete section 103.2

Section 106. Add Section 106.2.1.1 Fire Clearance Inspection

Fire Clearance Inspection. It shall be unlawful for any person, firm or corporation to operate a business unless a fire clearance inspection has been made and such businesses are in compliance with all Fire Department requirements.

Section 109. and replace with the following:

Board of Appeals. Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of said International Fire Code do not apply or that the true intent and meaning of said code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Building Board of Appeals established by the provisions of Chapter 9 of Title 7 of this Code within thirty (30) days after the date of the decision appealed.

Section 110. Delete Section 110.4 and replace with the following:

Enforcement - Citation authority

1. The Fire Chief, Fire Marshal or his or her representative is authorized to issue field citations to any person whenever there is reasonable cause to believe that the person has committed a violation of:
 - a. The California or International Fire Code as adopted by § 4-5.01, and the provisions of this chapter that concern issues of fire prevention or fire control;
 - b. Provisions of the California Building Code that concern issues of fire prevention or fire control or life safety;
 - c. Any state statute addressing fire prevention or fire control in his or her presence.
2. Designated officials are authorized to exercise the authority provided by California Penal Code.

Violation Penalties. Any person who shall violate any provision of this chapter or said International Fire Code, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specification or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by a court of competent jurisdiction, within the time fixed herein, shall separately for each and every such violation and noncompliance, respectively, be guilty of an infraction and shall be punishable as provided in Chapter 2 of Title 1 of this Code.

Exception:

Those sections of the International Fire Code, which have been adopted by the State of California (California Fire Code) shall be a misdemeanor and shall be punishable in accordance with Section 109.4.0.1.

Section 110.4.0.1 is hereby added to the Fire Code to read as follows:

Section 110.4.0.1 California Fire Code Violations.

Persons operating or maintaining an occupancy, premises or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the fire code official shall be guilty of a misdemeanor.

Section 110. Add Section 110.4.1.1 as follows:

Abatement of Hazards. In situations where immediate abatement of a fire or life hazard or other potentially hazardous condition is required, the fire code official shall have the authority to abate such hazard immediately.

This may include, but is not limited to, confiscation of flammable liquids, fireworks, removing hazardous wiring and adapters, temporary closure of commercial occupancies, extinguishing illegal fires and any other similar hazards, determining no smoking, and ceasing operation of any type of apparatus that may be a danger to life or property. Costs of abatement shall become a lien upon the property affected. All affected persons shall be notified of action taken as soon as possible.

Section 112.4. Delete Section 112.4 and replace with the following:

Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as specified in section 110.

Section 202. Add to Section 202 "Definitions" as follows:

Jurisdiction. Shall be held to mean the City of Yuba City.

Nuisance. Nuisance is an act, thing or condition involving combustible material in an unsafe manner that is not maintained in a reasonable manner to reduce flame-spread capabilities.

Temporary. Shall mean any use for a period of less than 90 days.

Section 503.4.1. Delete section 503.4.1 and replace with the following:

Traffic calming devices. Speed bumps, speed humps, dips or similar devices are prohibited in any public or private fire access road or parking area without written approval of the Fire Chief, Fire Marshal, Chief of Police and Director of Public Works.

Section 505. Add Section 505.1.1 as follows:

In addition, any business conducted in a commercial occupancy, which affords vehicular access to the rear through any driveway, alleyway, or parking lot shall also display the same numbers/letters on the rear of the building. At the main entrance driveway to each multiple dwelling complex there shall be positioned, where responding emergency units can easily read it from the street, an illuminated diagrammatic representation of the complex, which lists the unit addresses thereof.

Section 903.2.

Delete Section 903.2 through 903.2.11, except sections 903.2.1.5, 903.2.4.1, and 903.2.7.1, and replace with the following:

Requirements for approved automatic sprinkler systems.

The Fire Code as currently adopted and as hereinafter adopted is amended to require approved automatic fire sprinklers as set forth in the Fire Code and related Standards as adopted by the City based upon the classification of occupancy and hazard, which shall be in addition to the following:

- (a) Other provisions of this Code or of any other Code of the City of Yuba City to the contrary notwithstanding, approved automatic fire sprinkler systems shall be installed and maintained in accordance with the following requirements.
 - (1) All buildings hereinafter constructed when the total floor area meets or exceeds three thousand six hundred (3600) square feet.
 - (2) All multi-family dwellings. For the purposes of this Chapter, multi-family dwellings shall be identified as three (3) or more dwelling units in the same building or structure.
 - (3) Buildings of three (3) or more stories, as defined by the California Building Code, regardless of height or square footage.
 - (4) Buildings that are thirty (30) feet or more in height regardless of square feet. Height assessment shall be determined as outlined by the Building Code.
 - (5) In any existing building or structure upon a change of use of occupancy which is more intense and/or increases the potential of a fire or life safety hazard as determined by both the Fire Chief, and Fire Marshal in which the total floor area meets or exceeds three thousand six hundred (3600) square feet.
 - (6) In any existing building or structure when additions thereto will increase the total floor area of three thousand six hundred (3600) square feet or more.
 - (7) In any existing building or structure to which additions are made where the total floor area of building currently meets or exceeds three thousand six hundred (3600) square feet.
 - (8) In any existing building or structure where the total floor area meets or exceeds three thousand six hundred (3600) square feet when repairs or alterations thereto within any twelve (12) month period exceed twenty-five (25%) percent of the value of the building or structure. For the purposes of this Chapter, the building or structure shall have its value determined by multiplying the total square footage of the building or structure by the Building Standards Square Foot Valuator (most current edition) as published by the International Code Council, or its equivalent as selected by the Fire Chief or Fire Marshal. Value shall be determined by the building official or his designee during the permit process.

(b) Exceptions:

The following shall be exempted from the requirements of this section:

- (1) Buildings and structures for which permits have previously been obtained, but which have not yet been occupied, unless any approved automatic fire sprinkler system would otherwise be required by this or other City adopted Code.

- (2) In buildings or structures when, in the opinion of the Fire Marshal and with the concurrence of the Fire Chief, the installation of any automatic fire sprinkler system would be detrimental to the health, welfare and safety of the public.
- (3) Buildings which are constructed in accordance with the Building Code as Type I-A (fire resistive) and Type II-A (fire resistive) and have less than ten thousand (10,000) square feet of total floor area.
- (4) In existing buildings where the total floor area exceeds three thousand six hundred (3600) square feet, a twenty-five (25%) percent addition up to a maximum total floor area of ten thousand (10,000) square feet will be permitted; but at least a five (5%) percent increase will be allowed. In either case, the addition shall be separated by a two-hour firewall as defined in the Building Code.
- (5) Existing buildings, where the total floor area is ten thousand (10,000) square feet, or greater, may increase their floor area by five (5%) percent or one thousand (1,000) square feet, whichever is greater, when the area being added is separated by a two hour fire wall, as defined in the Building Code.
- (6) If existing construction is to be altered, where the total floor area exceeds three thousand six hundred (3600) square feet and the alteration provides no greater threat to life or property by fire as determined by unanimous decision of the Fire Chief, Fire Marshal, and City Manager. The basis of the decision shall be made upon the change proposed meeting the intent of the current Building and Fire Codes in providing fire protection equivalent to a fire sprinkler system.

(c) Fire Walls:

For the purposes of this section, firewalls used to eliminate the requirement for automatic fire sprinklers as herein required shall be four (4) hour firewalls with no openings as defined in the Building Code as adopted by the City of Yuba City.

Section 903.3.1.2. Delete Section 903.3.1.2.

Section 903.4.2. Modify Section 903.4.2 as follows:

In the first sentence, delete the word “*audible*” and replace with “*combination horn/strobe*”.

Section 5602. Add Section 5602 as follows:

Fireworks - Prohibition.

Except as otherwise provided in this chapter, no person shall possess, sell, use, display or explode within the City any kind of fireworks as defined in Section 12511 of the Health and Safety Code, including, but not limited to, any rocket, firecracker, roman candle, squib, torpedo, torpedo cane, fire balloon, wire core sparkler, wooden core sparkler, black cartridge or other combustible device or explosive substance.

Fireworks - Exception.

It shall not be unlawful to sell within the City those fireworks as are defined and classified as “safe and sane fireworks” in the State Fireworks Law (Sections 12500, et seq. of the

Health and Safety Code) during that time period beginning at 12:00 noon on June 28 and ending at 12:00 noon on July 6 of that same year.

Permit required.

It shall be unlawful for any person to sell “safe and sane fireworks” within the City without having first applied for and receiving a City permit.

Prerequisite for permit issuance.

- (a) No permit to sell fireworks shall be issued to any person, except nonprofit organizations or corporations organized primarily for veteran, patriotic, welfare, civic betterment or charitable purposes.
- (b) Each such organization shall have its principal and permanent meeting place within Sutter County limits and shall have been organized and established in an area which is presently within the limits for a minimum of one (1) year continuously preceding the filing of the application for the permit.
- (c) No organization shall submit more than one (1) application for permit to sell fireworks within the City of Yuba City. Submittal of more than one (1) application shall be grounds for denial of all applications. Fireworks permit.

The number of available permits which includes any permits issued pursuant will be limited to one (1) per two thousand (2,000) population based on the latest survey available to the City of Yuba City. If necessary, a lottery system will be used to fill permit vacancies. Only one (1) permit to sell fireworks pursuant to this chapter shall be issued to an eligible applicant.

Permit application.

- (a) All applications for permits to sell fireworks shall be in writing to the Fire Marshal. Applications may be filed beginning March 1 of each year up to and including March 31 of same year, at which time the filing period for that year will close. Applications shall set forth the proposed location of the fireworks stand being applied for, and other information as may be required by the Fire Marshal.
- (b) Any person, firm, corporation, or organization applying for a permit to sell fireworks shall furnish to the Yuba City Fire Department a policy of public liability and property damage insurance. This policy shall have no deductible, with a limit of bodily injury of not less than one million (\$1,000,000) dollars and a limit of property damage not less than one million (\$1,000,000) dollars. The City of Yuba City and its agents and employees shall be named as coinsureds on the policy.
- (c) Applicants for such permits shall be notified by April 15 of each calendar year by the Fire Marshal of the approval or disapproval of such applications for such permit. All organizations whose permits have been approved shall have up to and including July 1st of that year to pick up such permit.
- (d) Every application for a permit shall be accompanied by the established permit fee for the sales of fireworks. The permit fee will be refunded if the application is not approved.

Fireworks stand.

All retail sales of "safe and sane" fireworks shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is hereby prohibited. Temporary stands shall be subject to the following provisions:

- (a) No fireworks stand shall be located within fifty (50') feet of any other building or within one hundred (100') feet of any gasoline pump or distribution point or within one hundred (100') feet of any other fireworks booth, unless separated by a roadway four (4) lanes wide or greater.
- (b) Fireworks stands need not comply with the provisions of the Building Code of the City; provided, however, that all stands shall be erected under the supervision of the Fire Inspector, who shall require that stands be constructed in a manner which will reasonably insure the safety of attendants and patrons; and provided further that any electrical installations shall comply with all applicable codes.
- (c) Each stand shall be provided with two (2) two and one-half (2 1/2) gallon "water type" (minimum rating 2A) fire extinguishers in good working order and easily accessible for use in case of fire.
- (d) No stand shall have a floor area in excess of seven hundred fifty (750) square feet.
- (e) Each stand shall have at least two (2) exits. Each stand in excess of forty (40') feet in length shall have at least three (3) exits spaced approximately equidistant apart; provided, however, that in no case shall the distance between exits exceed twenty-four (24') feet. Exit doors shall be not less than twenty-four (24") inches wide and six feet and two (6'2") inches in height and shall swing in the direction of exit travel.

Operation of stand.

- (a) No person shall sell fireworks to any person under the age of eighteen (18).
- (b) Sale of fireworks shall begin no earlier than 12:00 noon on June 28th and shall not continue after 12:00 noon on July 6th of the same year.
- (c) No person other than the permittee organization shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand.
- (d) No person other than the individuals who are members of the permittee organization or the wives, husbands, parents or adult children of such members shall sell or otherwise participate in the sale of fireworks at such stand.
- (e) No person under the age of eighteen (18) shall sell or participate in the sale of fireworks.
- (f) Each stand shall have an adult watchperson in attendance while the stand is being used for the sale, display or storage of fireworks. In lieu of a night watchperson, a Class IV magazine or equivalent, as approved by the Fire Marshal, may be used to store fireworks.
- (g) All fireworks shall be retained at the approved location. In no event shall unsold fireworks be removed from the approved location to any other place without written approval of the Fire Marshal.
- (h) Stands may not be located on public or residential property.

General requirements for permittees.

All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least twenty-five (25') feet surrounding the stand.

“NO SMOKING” signs shall be prominently displayed on and in the fireworks stand.

No fuel-powered generator or similar equipment shall be allowed within fifty (50') feet of a fireworks stand.

Section 5603. Add Section 5603 as follows:

Limits for the storage of explosives and blasting agents.

- (a) The manufacture of explosives shall be prohibited within the City limits.
- (b) The storage of explosives and blasting agents is prohibited within the City limits.

Exception:

Small arms ammunition and primers, smokeless powder and black sporting powder when all the requirements of Title 19 C.C.R. have been met.

The Chief or Fire Marshal is authorized to limit the quantity of explosive material permitted at any location.

Section 5704.2.9.6.1 and 5706.2.4.4

The limits referred to in Section 5704.2.9.6.1 and 5706.2.4.4 in which the storage of Class I and II liquids in above ground tanks outside of buildings is prohibited, as hereby established as the City limits.

Exception:

Above ground storage of Class I, Class II, and Class III flammable/combustible liquids in tanks outside of buildings in A, AH, M-1, M-2, C-3 and CM zones as defined in Title 8 of the Yuba City Municipal Code shall be allowed if they comply with all of the following criteria:

- (1) Individual tank capacity shall not exceed fifteen thousand (15,000) gallons.
- (2) Aggregate installation capacity per parcel shall not exceed fifteen thousand (15,000) gallons.
- (3) Tanks and dispensing unit shall be protected against physical damage by installation of four (4) inch concrete filled pipes, spaced not more than four (4) feet between posts on center, set not less than three (3) feet deep in concrete footings of not less than a fifteen (15) inch diameter, with tops of the posts not less than four (4) feet above ground and posts located not more than twelve (12) inches from the tank.
- (4) All above ground tanks shall be permanently anchored in a manner that will prevent floating in times of flooding.

Section 6104.2

The limits referred to in Section 6104.2 restricting the storage of over 2000 gallons of liquefied petroleum gas is hereby established as the City limits.

Exception:

Existing facilities having either single containers or multiple containers with aggregate capacity of over 2000 gallons of liquefied petroleum gas will be allowed to have their use contained until such time as the tank(s) are not used for a period of ninety (90) days.

Other than required modifications necessary to bring the facility into compliance with safety regulations, there shall be no expansion of any existing facility within the City limits.

Section D103.5. Delete Section D103.5 and replace with the following:

Security Gates. The installation of security gates is prohibited without the written approval of the fire code official. All security gate installations shall comply with the following security gate installation standards.

- (a) Scope. Where a new gate or barrier is installed on a fire access roadway, it shall be authorized by the fire code official and meet the minimum requirements of this section. Private driveways on lightly traveled streets, as determined by the Yuba City Fire Department, serving one single-family residence may be exempted from the scope of this section.
- (b) Definitions. For the purposes of this section, certain terms are defined as follows:
 - 1. Authority having jurisdiction is the Yuba City Fire Department.
 - 2. Security Gates and Barriers shall mean a gate, crossbar, door or other obstructive device which is utilized for the purpose of restricting, controlling or obstructing entry or exit by motor vehicles or pedestrians to or from a private roadway and which is not manned on a twenty-four hour, seven day per week basis by a person capable of providing immediate access to a police or fire safety vehicle or person;
 - 3. Private Street or Roadway shall mean any roadway (not dedicated as public right-of-way) that is owned and maintained by abutting property owners, or association of property owners that is utilized for the purpose of providing vehicular or pedestrian access to a subdivision, apartment complex, condominiums or other residential development or wild land, excluding off- street parking areas, driveways, and driveways to off-street parking areas.
 - 4. Private Driveway - A private way for vehicular travel that provides access from an off-street parking area to a public or private drive.
 - 5. Ultimate Edge of Right-of-Way is the line furthest from the centerline of the street that has been approved by the City and recorded on the parcel map for existing or future street improvements.
- (c) Permit. A permit issued by the Yuba City Fire Department to design and install any secured access gate system shall be obtained and approved in writing prior to installation.
- (d) Submittals. A minimum of three (3) complete sets of information shall be submitted to the Yuba City Fire Department and shall include the following:

1. Approved verification of 100% Concurrence of Property Owners. The applicant shall provide, with the gate application, verification that all existing property owners served by gate installation agree to its installation and operation.
 2. A site plan of the property and a site detail of each gate location, drawn to scale (1"=10', 1"=20', or 1"=40'), indicating or showing:
 - a. Plans for gates over 6 feet in height shall bear the stamp of a structural engineer and must be accompanied by a Yuba City Building Permit Number;
 - b. Contractor's company name, address, phone number and a contact person;
 - c. Exact locations of the entry to the property;
 - d. Property lines;
 - e. Fire Hydrants, fire department connections;
 - f. Location of the "ultimate edge of right-of-way";
 - g. Location of the existing edge of pavement or gutter line;
 - h. Building footprints, including doors, walkways and fire control room doors; parking spaces and landscape affected;
 - i. Proposed fence, pedestrian gates, and vehicle gates;
 - j. Existing vehicular access;
 - k. Proposed location of Knox key switch / Knox box (es); and
 - l. Physical address.
 3. Product specifications shall be provided that include:
 - a. Method of operation;
 - b. UL listing numbers of equipment used; and
 - c. Manufacturers specification sheets for electrical gate controller.
 4. Maintenance. Emergency access gates and barriers shall be maintained and may include:
 - a. Batteries required for operation of the system during power failure;
 - b. Lubrication of moving parts and hinges per manufacturers specifications; and
 - c. Any subsequent attention required to maintain the original list of frequencies for emergency operation of the gate in the controller.
 5. Plan review and inspection fees will be collected per approved fee schedule.
- (e) Minimum Requirements.
1. Access.
 - a. All gates shall be UL 325 compliant.
 - b. Gates shall not be installed within a required turning radius of a fire access roadway.

- c. Access for single direction traffic shall be unobstructed 16 feet wide and 13', 6" high.
 - d. Access for bi-directional traffic shall be unobstructed 20' wide and 13', 6" inches high.
 - e. Swinging gates for single direction traffic shall swing in the direction of vehicle travel.
 - f. Swinging gates for bi-directional traffic shall swing into the property being entered.
 - g. All gates shall be accessible from the driving lane nearest the edge of the street by turning radii of at least 38' inside and 58' outside
 - h. After passing through a gate, the nearest curb of any cross street shall be no less than 40 feet.
 - i. Private driveways serving one single-family residence on moderate and heavily traveled streets shall:
 - (1) Meet the setback requirements of this section. If existing conditions prevent gate installation with 40' of clearance to the face of the gate, a letter documenting an acceptable alternative that would facilitate emergency ingress without endangering emergency response personnel and apparatus will be required for review and approval by the Chief;
 - (2) Meet the operational requirements of electrically operated gates.
2. Operation of Gates.
- a. All gates shall be electrically operated for entry and exit by an approved fire department method.
 - b. Wiring for electrical gates shall be provided by AC current, underground installation. A miscellaneous electrical permit is required by the Yuba City Building Department.
 - c. Electrically operated gates shall fail to the open position when the power is off. They shall remain open until power is restored.
3. Manual gates or barriers may be approved on a case-by-case basis for nighttime security of business property.
- a. They shall be constructed in a manner that reflects good construction practices acceptable to the Yuba City Fire Department.
 - b. They shall be accessible by means of an approved fire department padlock (Knox.) or by the installation of an approved key box (Knox.).
 - c. Approved manual gates or barriers across emergency access roadways shall be provided with an 18-gauge metal sign in the center of and on both sides of the gate that shall read, "FIRE LANE-NO PARKING". Letters shall be red on a white background and be a minimum of 3 inches high with a half inch stroke.
 - d. Gates to close off a fire lane behind strip malls/stores in order to minimize dumping and vandalism shall be approved with (Knox) padlock access.

4. Prohibitions.
 - a. Direction-limiting devices, such as fixed tire spikes, are prohibited.
 - b. The total number of vehicle access control devices or systems, through which emergency vehicles must pass to reach any address shall not exceed one.
5. Pedestrian Gates. All vehicle gates obstructing pedestrian access to a public way (street) shall have an approved pedestrian gate installed within 10 feet of the vehicle gate.
 - a. Gates shall be handicap accessible and comply with exit door requirements of the Building Code.
 - b. An approved key box (Knox) shall be installed at least 48 inches above grade on the outside of the gate. It shall be provided with a key to open the pedestrian gate.
 - c. No pedestrian gate shall be located in the median between two vehicle gates.

Exception: Private driveways serving one single-family residence are exempt from this requirement.

- (f) Installation Approval. The Yuba City Fire Department shall inspect all gates for proper installation and operation prior to activation or use.
- (g) Additional Requirements. Because of the delays caused by vehicle access control devices or systems, additional fire protection requirements may be applied based on other access limitations, such as narrow or winding streets or dead-end streets without an approved turnaround available for fire apparatus.

Other than the obstruction and the reduced width controlled within this standard, no other requirement of the Yuba City Fire Department shall be adversely affected by the placement of any vehicle access control device or system in any required fire apparatus access road.

Fire department approval does not waive any requirement by other authorities having jurisdiction.

Section D103.6.2. Delete the reference to 32 feet and replace with “less than 36 feet”.

Section 4-5.03. Findings

The City Council finds that the following regulations as contained in this Chapter are necessary to mitigate unique local climatic conditions and impose substantially the same requirements as are contained in the international model industry codes. The unique local conditions as found and determined are as follows:

Yuba City is located in the northern portion of the Central Valley. The area is bounded to the north by the Siskiyou Mountains, the west by the Coastal Mountains, the east by the Sierra Nevada Mountains, and the south by the Delta region. These geographical factors, and the area’s proximity to the Pacific Ocean, combine to determine weather and wind conditions that influence the area and can create a particularly hazardous fire situation.

Four (4) weather conditions routinely present themselves, which can result in extremely dangerous fire situations that could result in widespread conflagration. The four (4) conditions are temperature, relative humidity, wind and fog.

Temperatures in the Yuba City area during the summer months are in the ninety (90) degree Fahrenheit range with high temperatures of one hundred (100) degrees being very common.

Low relative humidity is a very important weather condition, which can intensify fire behavior. When relative humidity falls below thirty (30%) percent, the potential for fire spread is significantly increased. A recent review of data available from the National Weather Service of a recent thirty-eight (38) month period revealed that the Yuba City area experienced four hundred three (403) days when the relative humidity was recorded at or below thirty (30%) percent.

Wind velocity directly contributes to flame spread and the potential for conflagration. Winds, in combination with relative humidity below thirty (30%) percent, contribute to "drying out" fuels. The Yuba City area is subject to strong north winds, which are usually very drying in nature. A review was made of the days with relative humidity at or below thirty (30%) percent and winds of ten (10) miles per hour or more using the same thirty-eight (38) month period as was previously mentioned. Of the four hundred three (403) days of thirty (30%) percent or below relative humidity, one hundred ninety-seven (197) days also had winds that equaled or exceeded ten (10) miles per hour.

The weather conditions described above have a direct influence on fire behavior. High temperatures, low humidity and wind, singularly and in combination, produce a potentially explosive fire situation.

In addition to the weather conditions described above, the Yuba City area also experiences very dense fog conditions in the wintertime. The presence of dense fog poses significant response problems to emergency response vehicles. Obviously, if dense fog is present, response speeds must be reduced. This reduction in response speed results in longer response times. The longer it takes the fire department to arrive, the larger the fire grows. Research, using the same thirty-eight (38) month period mentioned above, was done to determine how many days of heavy fog the Yuba City area experienced. Heavy fog was defined as one-fourth (1/4) of a mile visibility or less. The data revealed that during the thirty-eight (38) months reviewed, heavy fog occurred on one hundred three (103) days. It is important to note that the fog prone months of November and December were missing for two (2) of the three (3) years reviewed.

As a result of these findings of fact on local climatic conditions within the Yuba City area, the City Council finds that the fire code provisions and the automatic sprinkler requirements herein established by this Chapter are considered "reasonable and necessary modifications" as provided for in California Health and Safety Code sections 18941.5(b) and 17958 et seq. Because of these serious concerns as reflected in the foregoing findings of fact, it is important that for the effective protection of the citizenry and property within the City limits of the City of Yuba City from the ravages of fire and the reduction of the potential for community-wide conflagration that this ordinance be enacted. Only with the enactment of these regulations can the reduction of the potential for community-wide conflagration and the protection of the citizenry and property within this jurisdiction be realized.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. **The City Council of the City of Yuba City** hereby declares that it would have passed this ordinance, and each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4. This ordinance shall become effective January 1, 2020 and shall be published as required by law.

###

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 5th day of November 2019 and passed and adopted at a regular meeting thereof of held on the 19th day of November 2019.

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST:

Patricia Buckland, City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLC