

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING CHAPTER 17.32, “FIRE
PREVENTION CODE,” OF THE MERCED
MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF MERCED MAKES THE
FOLLOWING FINDINGS:**

WHEREAS, California Health & Safety Code Section 18938(c) provides that the building standards contained in the 2022 Edition of the California Fire Code, by the International Code Council shall apply to all occupancies throughout the state and shall become effective 180 days after publication in the California Buildings Standards Code by the California Building Standards Commission; and

WHEREAS, California Health & Safety Code Section 17958.7 provides that if a city makes an express finding that modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions, a city may establish more restrictive building standards. Findings of local conditions must be filed with the California Building Standards Commission to become effective; and

WHEREAS, the City Council of the City of Merced has previously adopted the California Fire Code, 2019 Edition, including the appendix which was published by the International Code Council, with certain amendments as the Fire Code of the City; and

WHEREAS, after due consideration, the City Council of the City of Merced hereby finds that it desires to adopt the California Fire Code, 2022 Edition, as the City's Fire Code, with certain amendments to provide further safety protections to the citizens of the City of Merced; and

WHEREAS, the City Council of the City of Merced finds that certain local climatic factors require certain amendments to the California Fire Code, 2022 Edition. During winter months, the San Joaquin Valley experiences thick fog that is a danger to emergency personnel responding to fires and other emergencies and significantly delays response time of emergency vehicles beyond the normal response time. Fire engines and trucks must greatly reduce their speed in the fog to

compensate for appropriate breaking distances because of the weight of the vehicles; and

WHEREAS, the City Council of the City of Merced finds that certain local geological factors require certain amendments to the "California Fire Code, 2022 Edition." Merced County is located within an area with potential seismic activity. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in larger structures, which will increase the availability of firefighting resources after seismic activity; and

WHEREAS, The City Council of the City of Merced finds that certain local topographical factors require certain amendments to the California Fire Code, 2022 Edition." The City of Merced, to a great extent, lies on a level plain; as a result, heavy rains have historically caused flooding throughout the City, which has caused and can cause delays for emergency response, or in some situations, make it extremely difficult for responders to access certain areas of the City. Flooding is both a climatic and topographic problem. In addition, two major railroad lines crossing through the City have in the past been responsible and will continue to be responsible for creating delays for emergency vehicles by blocking emergency routes.

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Chapter 17.32, "Fire Prevention Code," of the Merced Municipal Code is hereby amended to read as follows:

**"Chapter 17.32
FIRE CODE**

Section:

- 17.32.010 Adoption.**
- 17.32.020 Issuance of Citations by Designated Officers and Employees.**
- 17.32.030 Chapter 1, Scope and Administration.**
- 17.32.040 Chapter 2, Definitions.**
- 17.32.050 Chapter 3, General Requirements.**

- 17.32.060 Chapter 4, Emergency Planning and Preparedness.**
- 17.32.070 Chapter 5, Fire Service Features.**
- 17.32.080 Chapter 8, Interior Finish, Decorative Materials and Furnishings.**
- 17.32.090 Chapter 9, Fire Protection Systems.**
- 17.32.100 Chapter 11, Construction Requirements for Existing Buildings.**
- 17.32.110 Chapter 56, Explosives and Fireworks.**
- 17.32.120 Chapter 57, Flammable and Combustible Liquids.**
- 17.32.130 Appendix 4, Special Detailed Requirements Based on Use and Occupancy.**
- 17.32.140 Appendix B, Fire-Flow Requirements for Buildings.**
- 17.32.150 Appendix BB, Fire-Flow Requirements for Buildings.**
- 17.32.160 Appendix C, Fire Hydrant Locations and Distribution.**
- 17.32.170 Appendix CC, Fire Hydrant Locations and Distribution.**
- 17.32.180 Appendix D, Fire Apparatus Access Roads.**
- 17.32.190 Appendix E, Hazard Categories.**
- 17.32.200 Appendix F, Hazard Ranking.**
- 17.32.210 Appendix G, Cryogenic Fluids-Weight and Volume Equivalents.**
- 17.32.220 Appendix H, Hazardous Materials Management Plans and Hazardous Materials Inventory Statements.**
- 17.32.230 Appendix I, Fire Protection Systems-Noncompliant Conditions.**
- 17.32.240 Appendix J, Building Information Sign.**
- 17.32.250 Appendix L, Requirements for Fire Fighter Air Replenishment Systems.**
- 17.32.260 Appendix O, Temporary Haunted Houses, Ghost Walks and Similar Amusements.**

17.32.010 Adoption.

Subject to the particular additions, deletions, and amendments herein set forth in this Chapter, three (3) certified *copies of which are on file in the Office of the City Clerk, the rules, regulations, provisions, and conditions* set forth in that certain code entitled International Fire Code, 2021 Edition, the California Fire Code, 2022 Edition, including appendices Chapter 4, and Appendices B, BB, C, CC, D, E, F, G, H, I, L and O as published by the International Code Council, is adopted and shall be designated, known, and referred to as the International Fire Code, and the California Fire Code of and for the City of Merced.

17.32.020 Issuance of Citations by Designated Officers and Employees.

Officers or employees of the City of Merced Fire Department, as designated by the Fire Chief, who have the discretionary duty to enforce a statute or ordinance may, pursuant to Section 836.5 of the Penal Code of the State of California and subject to the provisions hereof, arrest a person without a warrant whenever any such officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the officer's or employee's presence which s/he has the discretionary duty to enforce, and to issue a notice to appear and release such person on his or her written promise to appear in court pursuant to Chapter 5C, Citations for Misdemeanors, of the Penal Code of the State of California (commencing with Section 853.6).

17.32.030 Chapter 1, Scope and Administration.

Chapter 1 as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety except as amended herein.

A. Section 102.7, Chapter 1 of the California Fire Code, 2022 Edition, is amended to read as follows:

Section 102.7. Referenced codes and standards. The codes and standards referenced in the Code shall be those that are listed in Chapter 80 of the California Fire Code, 2022 Edition, and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of each such reference, and as further regulated in Section 102.7.1.

B. Section 102.7.1, Chapter 1 of the California Fire Code, 2022 Edition, is amended to read as follows:

102.7.1 Conflicts. Where conflicts occur between the provisions of this Code and the referenced codes and standards, the provisions of this Code shall apply.

C. Section 102.8, Chapter 1 of the California Fire Code, 2022 Edition, is amended to read as follows:

Section 102.8. Subjects not regulated by this Code. Where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this Code.

Nothing herein shall derogate from the authority of the Fire Chief to determine compliance with codes or standards for those activities or installations within the Fire Chief's jurisdiction or responsibility.

In instances where a new product or process for use or where alternative materials or methods are being proposed, the Fire Chief may require that the product or process be evaluated by the International Code Council

Evaluation Service (ICC-ES). All tests required as evidence for compliance shall be at no cost to the City. EXCEPTION: Recognized standards shall not include any standard that attempts to regulate local authority as to minimum daily staffing levels and incident response levels. These standards include, but are not limited to NFPA 1710 & 1720.

D. Sections 104.11 and 104.11.1, Chapter 1 of the California Fire Code, 2022 Edition, are amended to read as follows:

Section 104.11. **Fire Investigations.** The Fire Chief, Fire Chief Officers and members of the fire investigation team who have been designated by the Fire Chief shall have the powers of a police officer in performing their duties under this Code.

Section 104.11.1. **Assistance from other Agencies.** Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

E. Section 105.2.2, Chapter 1 of the California Fire Code, 2022 Edition, is amended to read as follows:

Section 105.2.2 **Inspection authorized.** Before a new operational permit is approved, the Fire Code Official shall inspect the receptacles, vehicles, buildings, devices, premises, storage spaces, or areas to be used to determine compliance with this Code or any operational constraints required. In instances where laws, rules, regulations, provisions, or conditions are enforceable by departments or organizations other than the Fire Department, joint approval shall be obtained from the departments or organizations.

F. Section 105.5, Chapter 1 of the California Fire Code, 2022 Edition, is amended to read as follows:

Section 105.5. Required Operational Permit. The Fire Chief is authorized to issue operational permits for the operations set forth in Sections 105.5.1 through 105.5.54.2 of the California Fire Code. Before a permit is issued, the Fire Chief or his authorized representative(s) shall inspect and approve the receptacles, vehicles, building devices, premises, storage spaces or areas to be used.

In instances where laws or regulations are enforceable by departments other than the Fire Department, joint approval shall be obtained from all necessary departments. Permits shall be valid for a one (1) year period and shall be amended any time there is a known addition of a permitted operation.

G. Section 105.5.29, Chapter 1 of the California Fire Code, 2022 Edition, is amended to add the following:

Section 105.5.29. LP-gas.

1. Storage and Use of LP-gas. Distributors shall not fill an LP-gas container for which a permit is required unless the fire code official has issued a permit for installation for that location.

EXCEPTIONS:

1. Containers not exceeding five (5) gallon water capacity, used for 'barbecue' cooking, when used and stored outside of buildings.
2. Approved containers not exceeding sixteen and four-tenths (16.4) ounces when displayed for sale in mercantile occupancies.

3. Factory installed containers for recreational vehicles not exceeding ten (10) gallon water capacity.
4. Factory installed tanks that are permanently attached to recreational vehicles.

H. Section 105.5.54, Chapter 1 of the California Fire Code, 2022 Edition, is amended to add Sections 105.5.54.1 and 105.5.54.2:

105.5.54.1 **Fire extinguishers.** Placement of fire extinguishers inside apartment complexes

105.5.54.2 **Wrecking Yard.** A permit is required to operate a wrecking yard.

I. Section 106.2, Chapter 1 of the California Fire Code, 2022 Edition, is amended to add Section 106.2.5:

Section 106.2.5. **Information on construction detail page.** A construction ‘detail’ page for all Group A, B, E, F-1, H, I, L, M, R-1, R-2, R-2.1, R-3.1, R-4, S-1, S-2, and all other buildings 5,000 square feet or greater in area shall be submitted and approved by the Chief Building Official or designee prior to permit issuance. The ‘detail’ page shall be an 8 ½” x 11” document and an electronically submitted “detail” page for emergency responder data files. The ‘detail’ page shall include a site plan showing:

- a. Property, site layout
- b. Roads, fire access lanes, and building access points
- c. Premises Identification (address, building identification, suites, room numbers, etc.)
- d. Hydrants and FDC locations

- e. Knox product locations
- f. Fire alarm control locations
- g. Fire riser locations
- h. Hose valve locations
- i. 'Main Electrical' and 'Main Gas Disconnect' locations
- j. Hazardous materials storage

Exception: Occupancy Group R-3 One and Two Family Dwellings.

J. Section 107, Chapter 1 of the California Fire Code, 2022 Edition, is amended to add Sections 107.7:

107.7. Inspection Fee. Where an inspection is required by the provisions of this Code or any other purpose as required by the Fire Chief, the department shall charge an inspection fee. This fee shall be in addition to any fire permit charges and any other fees required by this Code. Inspection fees shall be adopted by Resolution of the City Council.

K. Section 107, Chapter 1 of the California Fire Code, 2022 Edition, is amended to add Section 107.8:

107.8. Fire Watch/Stand-by Fee. Where a fire watch or standby is required by the provisions of this Code or any other purpose as required by the Fire Chief, the department shall charge a service fee. Service fees shall be adopted by Resolution of the City Council.

L. Section 107, Chapter 1 of the California Fire Code, 2022 Edition, is amended to added Section 107.9:

107.9. **False alarms.** The owner and occupants of any premises, which generates more than two (2) false alarms in any calendar year will be required to pay response costs for any and all false alarms for the third (3rd) and any subsequent false alarm in that time frame. Fees for false alarms shall be adopted by Resolution of the City Council.

M. Section 107, Chapter 1 of the California Fire Code, 2022 Edition, is amended to add Section 107.10:

107.10. **Permit fees.** An inspection fee for permits required by Sections 105.5.1 through 105.5.54.2 shall be paid prior to the issuance of the permit and prior to all subsequent renewals. Inspection and permit fees shall be adopted by Resolution of the City Council.

N. Section 107, Chapter 1 of the California Fire Code, 2022 Edition, is amended to add Section 107.11:

107.11. **Charge for fire suppression.** Any person who, after written notification by the Fire Chief causes, permits or allows the existence of a fire hazard or hazards as defined by this Code or any person who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by him or her to escape onto any public or private property is liable for the expense of fighting the fire. These expenses shall include, but not be limited to, all costs for suppression, rescue or emergency medical services, or investigation. The Fire Chief or his authorized representative shall determine whether said fire hazard caused, or contributed to the spread of the fire. Each applicable expense rate shall be adopted by Resolution of the City Council or, if no rate is established, the expense rate shall be the actual cost of the product or service.

O. Section 108.2, Chapter 1 of the California Fire Code, 2022 Edition, is amended to read as follows:

Section 108.2. **Inspections.** The Fire Chief or designated representative(s) is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspections by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. A responsible officer(s) designated by the Fire Chief of such approved agency or by the responsible individual shall certify inspection reports. The Fire Chief is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the City Council of the City of Merced

The Fire Chief and assigned representatives are authorized to inspect, as often as may be necessary, buildings and premises, including such other hazards or appliances as the Fire Chief may designate for the purpose of ascertaining and causing to be corrected any condition which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.

P. Section 111.1, Chapter 1 of the California Fire Code, 2022 Edition, is amended to read as follows:

Section 111.1. **Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the Fire Chief relative to the application and interpretation of this Code, a Board of Appeals is hereby created. The City of Merced Building and Housing Board of Appeals, whose members are qualified by experience and training, is appointed to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretation of the provisions of this Code. The Fire Chief shall be an ex officio member of the board. The board shall adopt reasonable rules and regulations for

conducting its investigations and shall render decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant.

Q. Sections 112.4 and 112.4.1 Chapter 1 of the California Fire Code, 2022 Edition, are amended to read as follows:

112.4. Violation penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, in addition to any and all other administrative or civil action, proceeding, or remedy, shall be guilty of a misdemeanor, subject to punishment in accordance with Chapter 1.12 of the Merced Municipal Code.

Section 112.4.1. **Abatement of violation.**

- (a) In addition to the imposition of the penalties herein described, the Fire Chief is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.
- (b) **Fire hazard.** Any person(s) operating or maintaining any occupancy, premises or vehicle subject to this code who shall cause any fire hazard to exist on premises under his/her control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the Fire Chief or his duly authorized representative shall be guilty of a misdemeanor.

17.32.40 Chapter 2, Definitions.

A. Chapter 2 as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety except as amended herein.

B. Section 202, Chapter 2 of the California Fire Code, 2022 Edition, is amended to add general definitions:

‘False alarm’ - is the deliberate reporting of an alarm for which no such fire or emergency actually exists and shall also mean the deliberate or accidental transmission of alarm signal, either silent or audible, prompting a response to be made by the Fire Department when an emergency situation for which the alarm system was intended does not exist.

17.32.050 Chapter 3, General Requirements.

A. Chapter 3 as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety except as amended herein.

B. Section 308, Chapter 3 of the California Fire Code, 2022 Edition, is amended to add Section 308.1.6.3:

308.1.6.3 **Sky lanterns.** A person shall not release or cause to be released an untethered sky lantern.

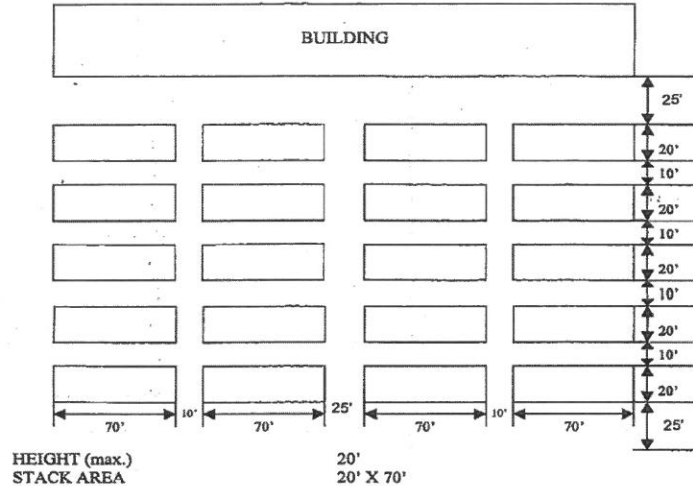
C. Section 315, Chapter 3 of the California Fire Code, 2022 Edition, is amended to add Section 315.7:

Section 315.7 Requirements for Outdoor Storage of Pallets.

1. Open yards required by the California Building Code shall be maintained around structures. CFC 2803.1 (Yard – An open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by the

California Building Code, on the lot on which a building is situated.) CFC Definitions Section 202.

2. Piles shall be a minimum of 25 feet from a structure.
3. Piles shall not be located within 10 feet of a property line.
4. The maximum dimensions of a pile shall not exceed 20 feet x 70 feet.
5. Pile height shall not exceed 20 feet.
6. There shall be 10 feet of aisle ways between piles.
7. Piles shall be placed in grids not to exceed 140 feet by 150 feet.
8. Each grid shall be separated by an approved fire apparatus access road.
9. Permanent pallet storage areas shall be surrounded with an approved fence. Fences shall be a minimum of six (6) feet in height.
10. Adequate water supply, as required by the fire department, shall be provided for fire suppression needs.
11. Note: Pallets shall not obstruct fire apparatus access roads or fire apparatus access to water supplies (fire hydrants, etc.)



17.32.060 Chapter 4, Emergency Planning and Preparedness.

A. Chapter 4 as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety except as amended herein.

B. Section 403, Chapter 4 of the California Fire Code, 2022 Edition, is amended to add Section 403.10.5.1:

Section 403.10.5.1. Group S Occupancies greater than 100,000 square feet. An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for buildings greater than 100,000 square feet in aggregate floor area.

17.32.070 Chapter 5, Fire Service Features.

Chapter 5 as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety except as amended herein.

A. Section 503.2, Chapter 5 of the California Fire Code, 2022 Edition, is amended to read as follows:

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

- (a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 22 feet in width as measured from the face of the curb. Such right-of-way shall be unobstructed and maintained only as access to the public street.

B. Section 503.2.1, Chapter 5 of the California Fire Code, 2022 Edition, is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 22 feet as measured from the face of the curb, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

- (a) Where new or remodeled building(s) or premises are provided with automatic security gates, the following methods of entry shall be required: Key switch. The key switch shall be keyed the same as the City of Merced approved master key (Knox); and, Radio Operated controller (Click2Enter or other approved equipment).
- (b) When Fire Department access is blocked due to a non-automatic gate, any locking devices used on such gate shall be operable with an approved key box access key.

C. Section 507.5.4, Chapter 5 of the California Fire Code, 2022 Edition, is amended to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The Fire

Department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

Where fire hydrants and/or Fire Department connections are installed in inconspicuous locations, the Fire Code Official may require hydrant locations to be identified by the installation of blue reflective markers and the location of the Fire Department connections to be identified by green reflective markers.

17.32.080 Chapter 8, Interior Finish, Decorative Materials and Furnishings.

Chapter 8 as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.090 Chapter 9, Fire Protection Systems.

Chapter 9, as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety except as amended herein.

A. Section 901.6.2, Chapter 9 of the California Fire Code, 2022 Edition, is adopted in its entirety except as amended herein:

901.6.3 System Records. All contractors who service, test, install, and/or maintain fire protection systems within the City are required to enroll and utilize the approved single-point repository to file the records of all system inspections, tests and maintenance required by the referenced standards. The approved repository service shall be maintained and provided to the Fire Code Official through a third party inspection reporting system. Fees, as applicable, will be paid directly from the contractor to the single-point repository vendor.

B. Section 903.1, Chapter 9 of the California Fire Code, 2022 Edition, is amended to add Section 903.1.2:

903.1.2. Determination of Building Area. For purposes of determining building area for automatic fire sprinkler system requirements, the following criteria shall be used:

1. Area or occupancy separation walls will not be allowed to reduce the overall square footage in an area of a building in order to circumvent the requirements for an automatic sprinkler system.

Exceptions:

- a. Party walls located on a lot-line between two buildings in accordance with California Building Code, Section 706.
- b. Firewalls without openings installed in accordance with California Building Code, Section 706 and with specific fire wall requirements in Section 903.2 of this Code based on occupancy.

2. Determination of building area for combustible construction shall be measured to the building perimeter roof drip line, including architectural features, such as, but not limited to, mansards, towers, porte cocheres, etc., with the exception of 44" maximum depth roof eaves. For non-combustible construction, building area shall include all perimeter roof areas exceeding 44" that are required by NFPA 13 to have fire sprinkler protection under the projection. The area of open shafts or courts need not be included in calculating floor area. When multiple buildings are considered as one building per California Building Code, the combined floor areas shall be used to determine the automatic fire sprinkler requirements.

C. Section 903.1, Chapter 9 of the California Fire Code, 2022 Edition, is amended to add Section 903.1.3:

903.1.3. Applicability to Existing Buildings. For existing buildings, an automatic fire extinguishing system shall be installed in those circumstances described in this subsection. Installation requirements shall be as set forth for new buildings by Sections 903.2.1 through 903.2.19.1.2.

1. **Building Additions.** When additions exceed 25% of the existing building square footage and the total proposed building area is 5,000 square feet or greater, an automatic fire sprinkler system shall be installed throughout the building. The 25% threshold shall be cumulative over the life of the building.

Exception: Building additions of non-combustible construction and non-combustible uses such as covered pedestrian walkways.

2. **Change of Occupancy.** In existing buildings 5,000 square feet or greater, when a Change of Occupancy, in accordance with the California Building Code is made and the proposed new occupancy is more hazardous to life and safety than the existing occupancy an automatic fire extinguishing system shall be installed throughout the building.

Exceptions:

a. If the area in which the Change of Occupancy occurs is less than 25% of the actual floor area of the existing building, the area of the new occupancy is 5,000 square feet or less, and fire sprinklers are not required based on occupancy by Section 903, and automatic fire sprinkler system is

not required for any portion of the building. The 25% limit is cumulative over the life of the building.

- b. If the area in which the Change of Occupancy occurs exceeds 25%, but is less than 50% of the actual floor area of the existing building, only that portion of the building changing occupancy is required to have an automatic fire sprinkler system installed. An approved fire separation shall be required between portions of the building with fire sprinklers and those portions without.
 - c. If individual or cumulative Change of Occupancies exceeds 50% of the overall floor area of the existing building, then the entire building shall have an automatic fire sprinkler system installed throughout.
3. Fire Damage Repairs. An automatic fire sprinkler system shall be installed as a condition of fire damage repair building permit as follows:
- a. When a fire occurs in any existing occupancy, and the building permit repair costs exceed 50% of the current building valuation, an automatic fire sprinkler system shall be installed throughout the building as required for a new building in Section 903.
 - b. Current building valuation shall be based on the ICC Building Valuation Tables in use by the City's Development Services Department at the time of the issuance of the fire damage repair permit.

D. Section 903.2, Chapter 9 of the 2022 California Fire Code, 2022 Edition, is hereby amended to read as follows:

903.2 Where required. An approved automatic fire sprinkler system is required in all new buildings and structures constructed on or after the effective date of this ordinance, notwithstanding the use and occupancy thereof, when the total floor area under one roof is five thousand (5,000) square feet or greater.

EXCEPTION:

In the case of motor vehicle fuel dispensing canopies not connected to an additional structure, and not dispensing or generating hydrogen, an approved automatic fire sprinkler system is required when the total floor area under one roof is 10,000 square feet or greater.

If the provisions of the 2022 California Fire Code Section 903.2.1 through 903.2.19 are more restrictive, then the more restrictive requirement shall apply.

E. Section 903.2.10, Chapter 9 of the California Fire Code, 2022 Edition, is amended to read as follows:

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the California Building Code as follows:

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

903.3.5.3 Fire Flow Test. A 10% reduction shall be made to the static and residual calculations used for design criteria of automatic sprinkler systems.

903.3.5.4 Fire Flow Test Expiration. Fire flow test shall expire after twelve (12) months.

F. Section 903.4.1, Chapter 9 of the California Fire Code, 2022 Edition, is amended to read as follows:

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved and listed supervising station or, when approved by the Fire Code Official, shall sound an audible signal at a constantly attended location, including, but not limited to, alarm systems flow switches, supervised OS & Y valves and post indicator valves. Fire suppression monitoring shall include audible and visual notification to all occupants.

G. Section 903, Chapter 9 of the California Fire Code, 2022 Edition, is amended to add Section 903.5.1:

903.5.1 Approval from the authority having jurisdiction is required before any equipment of the automatic sprinkler system is installed, remodeled, or replaced. Plan submittal is required for adjustment, repair, reconditioning or replacement, of more than twenty (20) sprinklers.

H. Section 903, Chapter 9 of the California Fire Code, 2022 Edition, is amended to add Section 903.7:

903.7 Fire Control Room. An approved fire control room shall be provided for all buildings protected by an automatic fire sprinkler or other approved system. The fire control room shall contain all system control valves, fire alarm control panels, other fire equipment, and pre-incident, hazardous material or other plans required by the Fire Code Official. Fire control rooms shall be

located within the building at a location approved by the Fire Code Official and be provided with a means of access to the room directly from the exterior. The room shall be constructed of not less than 1-hour fire resistive construction. Durable signage shall be provided on the exterior side of the access door to identify the fire control room.

Exception: The Fire Code Official may waive this requirement for existing and specific buildings based on size, configuration, use, and potential life and fire safety hazards.

I. Section 907.6.6, Chapter 9 of the California Fire Code, 2022 Edition, is amended to read as follows:

907.6.6 Monitoring. All required fire alarm and fire extinguishing systems shall be monitored by an approved supervising station in accordance with NFPA 72, and this section.

Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.4.
3. Automatic sprinkler systems in one- and two-family dwellings.

17.32.100 Chapter 11, Construction Requirements for Existing Buildings.

Chapter 11 as set forth in the California Fire Code, 2022 Edition, is adopted in part as follows:

- A. Section 1101, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- B. Section 1102, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- C. Section 1103.1, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- D. Section 1103.2, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- E. Section 1103.3, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- F. Section 1103.4, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- G. Section 1103.5, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- H. Section 1103.6, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- I. Section 1103.7, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- J. Section 1103.8, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- K. Section 1103.9, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- L. Section 1104.3, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- M. Section 1104.4, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.

- N. Section 1104.5, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- O. Section 1104.6, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- P. Section 1104.7, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- Q. Section 1104.8, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- R. Section 1104.10, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- S. Section 1104.13, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- T. Section 1104.14, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- U. Section 1104.15, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- V. Section 1104.16, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- W. Section 1104.18, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- X. Section 1104.19, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- Y. Section 1104.20, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.
- Z. Section 1104.23, Chapter 11 of the California Fire Code, 2022 Edition, is adopted without amendment.

17.32.110 Chapter 56, Explosives and Fireworks.

A. Section 5608 of the California Fire Code, 2022 Edition, is amended to add Section 5608.2 as follows:

Section 5608.2 Fireworks Prohibited Except as authorized by Chapter 8.22 of the Merced Municipal Code. The use and sale of 'safe and sane' fireworks for public display shall be permitted within the city, in accordance with the rules and regulations set forth in Chapter 8.22 of the Merced Municipal Code. It is unlawful for any person to possess, store, to offer for sale, sell at retail or use or explode any fireworks except as provided in Chapter 8.22 of the Merced Municipal Code.

17.32.120 Chapter 57, Flammable and Combustible Liquids.

A. Section 5704.2.9.6.1, Chapter 57 of the California Fire Code, 2022 Edition, is hereby amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II Liquids in above-ground tanks outside of buildings is prohibited, with the exception of protected tanks designed, installed and maintained in accordance with the 2022 California Fire Code. The provisions of this section shall not apply to facilities for the production, generation, or transmission of electric energy that provide power to entities furnishing retail electrical services to facilities within the City of Merced.

Exception: Listed generators for emergency/standby power.

B. Section 5704.2.9, Chapter 57 of the California Fire Code, 2022 Edition, is hereby amended to add Section 5704.2.9.8:

5704.2.9.8 Maintenance of protected above ground tanks. Protected aboveground tanks and connected piping shall be maintained in a safe operating condition. Protected aboveground tanks shall be maintained in accordance with their listings.

Damage to protected aboveground tanks shall be repaired using material having equal or greater strength and fire resistance or the protected aboveground tank shall be replaced or taken out of service.

C. Section 5704.3.4.2, Chapter 57 of the California Fire Code, 2022 Edition, is hereby amended to add subsection 7.1:

7.1 Manufacture of biodiesel in residential occupancies. The manufacture and storage of biodiesel is prohibited in Residential Occupancies and in U Occupancies associated with Residential Occupancies.

D. Section 5704.3.4.2, Chapter 57 of the California Fire Code, 2022 Edition, is hereby amended by adding subsection 7.2:

7.2 Manufacture of ethanol in residential occupancies. The manufacture and storage of ethanol is prohibited in Residential Occupancies and in U Occupancies associated with Residential Occupancies.

E. Section 5705.3.3, Chapter 57 of the California Fire Code, 2022 Edition, is hereby amended to read as follows:

5705.3.3 Heating, lighting, and cooking appliances. Heating, lighting, and cooking appliances that utilize Class I, II and III liquids shall not be operated within a building or structure.

17.32.130 Appendix 4, Special Detailed Requirements Based on Use and Occupancy.

Appendix 4 as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.140 Appendix B, Fire-Flow Requirements for Buildings.

Appendix B as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.150 Appendix BB, Fire-Flow Requirements for Buildings.

Appendix BB as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.160 Appendix C, Fire Hydrant Locations and Distribution.

Appendix C as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.170 Appendix CC, Fire Hydrant Locations and Distribution.

Appendix CC as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.180 Appendix D, Fire Apparatus Access Roads.

Appendix D as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety except as amended herein.

A. Table D103.4, Appendix D of the California Fire Code, 2022 Edition, is amended to read as follows:

Table D103.4 – REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0—150	22	None required
151—500	22	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501—750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

B. Section D103.5, Appendix D of the California Fire Code, 2022 Edition, is amended to read as follows:

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 22 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 14 feet (4267 mm).
2. Gates shall be of the swinging or sliding type.

3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Fire Code Official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a KNOX padlock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the Fire Code Official.
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

C. Figure D103.1, Appendix D of the California Fire Code, 2022 Edition, is amended to read as follows:

Figure D103.1 – DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

1. 96-Foot diameter cul-de-sac measured at flow line to flow line; Typical radius 33' *inside* and 47' *outside*.

2. 60-Foot "Y"- Minimum road width 22'; Typical radius 33' *inside and 47' outside*.
3. Minimum clearance around a fire hydrant— Minimum road width 22'.
4. 120-Foot Hammerhead—Minimum road width 22'; Typical radius 33' *inside and 47' outside*.
5. Acceptable Alternative to 120-Foot Hammerhead—Minimum road width 22'; Typical radius 33' *inside and 47' outside*.

D. Section D103.6.1, Appendix D of the California Fire Code, 2022 Edition, is amended to read as follows:

D103.6.1 Roads 22 to 26 feet in width. Fire apparatus access roads 22 to 26 feet wide shall be posted on both sides as a fire lane.

E. Section D104 as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

F. Section D105 as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

G. Section D106 as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

H. Section D107 as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

NOTE: Refer to Fire Prevention Policy FPG-01 for examples of fire apparatus access roads.

17.32.190 Appendix E, Hazard Categories.

Appendix E as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.200 Appendix F, Hazard Ranking.

Appendix F as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.210 Appendix G, Cryogenic Fluids-Weight and Volume Equivalents.

Appendix G as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.220 Appendix H, Hazardous Materials Management Plans and Hazardous Materials Inventory Statements.

Appendix H as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.230 Appendix I, Fire Protection Systems-Noncompliant Conditions.

Appendix I as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.240 Appendix J, Building Sign Information.

Appendix J as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.250 Appendix L, Requirements for Fire Fighter Air Replenishment Systems.

Appendix L as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.

17.32.260 Appendix O – Temporary Haunted Houses, Ghost Walks, and Similar Amusement Uses.

Appendix O as set forth in the California Fire Code, 2022 Edition, is adopted in its entirety without amendments.”

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2022, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2022, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

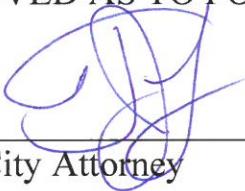
Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:



City Attorney

10.11.22

Date