BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, INCORPORATING AND ADOPTING EXPRESS FINDINGS OF NECESSITY RELATED TO LOCAL CLIMATIC, TOPOGRAPHICAL, AND GEOLOGICAL CONDITIONS THAT MAKE THE CITY'S AMENDMENTS TO THE CALIFORNIA FIRE CODE REASONABLY NECESSARY, REPEALING ARTICLE 5 OF CHAPTER 10, AND ADDING ARTICLE 5 TO CHAPTER 10 OF THE FRESNO MUNICIPAL CODE RELATING TO FIRE AND LIFE SAFETY REGULATIONS

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

SECTION 1. The express findings of Resolution No. _____, entitled "A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, MAKING AND ADOPTING EXPRESS FINDINGS THAT MODIFICATIONS OR CHANGES TO THE CALIFORNIA FIRE CODE ARE REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC, GEOLOGICAL, AND TOPOGRAPHICAL CONDITIONS," required for modifications or changes to the California Fire Code, which are reasonably necessary because of local climatic, geological, or topographical conditions are incorporated and adopted herein as if set forth in full. The modifications or changes to the California Fire Code are specifically listed below, and the incorporated express findings regarding to those modifications may be generally characterized as relating to (1) fire sprinkler systems; (2) additional regulation of lumber yards, woodworking, recycling, and waste handling facilities; and (3) additional regulation of motor fuel dispensing and repair garages, locations of above-ground tanks, the amount of Class I and Class II liquids at farms and construction sites in above-ground tanks and basement storage of flammable liquids.

SECTION 2. Article 5 of Chapter 10 of the Fresno Municipal Code is repealed.

SECTION 3. Article 5 of Chapter 10 of the Fresno Municipal Code is added to read:

ARTICLE 5

FIRE PREVENTION

Section	10-50100	Adoption of the California Fire Code
	10-50101.1	Title

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: DEC

10-50101.1.1	Fire Zones
10-50101.6	Limits established by law
10-50102.3	Change of Occupancy
10-50102.6	Historic Buildings
10-50103.1	Creation of Agency
10-50103.4	Responsibility for Enforcement
10-50105.5	Required Operational Permits
10-50105.5.15	Exhibits, Trade Shows, and Special Events
10-50105.5.17.	Fire Hydrants and Valves
10-50105.5.33.	Miscellaneous Combustible Storage
10-50105.5.36	Open Burning
10-50105.5.60	Exterior Storage
10-50105.6	Required Construction Permits
10-50105.6.1	Automatic Fire Extinguishing Systems
10-50105.6.2	Automatic Sprinkler Systems
10-50105.6.16	LP-Gas
10-50106.1.2	Stamps
10-50106.1.3	Approvals
10-50108.4	Work Commencing Before Permit Issuance
10-50108.7	Fees for Fire Inspections
10-50109.1.1	Inspection Frequency
10-50111.2	Service Utilities
10-50112	Means of Appeals
10-50112.1.	Board of appeals established
10-50112.2	Limitations on Authority
10-50113.3.1	Service
10-50113.4	Violation of Penalties
10-50113.4.1	Abatement of violation
10-50113.5	Cost Recovery
10-50114.4	Failure to Comply
10-50115.1	General
10-50202	General Definitions
10-50304.4	Recycling and Industrial Waste Handling Facilities
10-50304.5	Dumping of Combustible Waste Material
10-50304.6	Removal of Debris
10-50304.7	Failure to Comply
10-50307.1.1	Prohibited Open Burning
10-50311.1.1	Abandoned Premises
10-50312.1	General
10-50315.4.3	Additional Requirements for Outside Storage
10-50403.1	General
10-50503.7	Electrified Security Fences
10-50505.1	Premise Identification
10-50506.1	Where Required

10-50510.1	Emergency Responder Communications Enhancement Systems in New Buildings.
10-50807.5.1.3	Wood Use in Group A-3 Places of Religious Worship
10-50901.4.5	Additional Fire Protection Systems
10-50901.4.6.1	Removal of Prohibited Equipment
10-50901.6.3.1	Records Reporting
10-50903.1.1.2	Determination of Building Area
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10-50916.11.4	Gas Detection Systems
10-51025.1	General
10-51104.1.1	Door Swing
10-51104.1.2	Door Hardware
10-511205.1	Solar Photovoltaic Power Systems
10-552205.1.1	Dust Hazard Analysis
10-52306.2.3	Above-Ground Tanks Located Outside of Buildings, Above Grade
10-52401.4	Location
10-52811.1	Scope
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10-55602.4	Fireworks Ordinance
10-55603	Prohibition of Explosives
10-55704.2.9.6.1	Locations Where Above-Ground Tanks Are Prohibited
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10-50D105.1	Where required
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10-50D105.4	Obstructions.
10-50B103.4	Additional Modifications
10-50C103.4	Additional Modifications
10-5R309	Automatic Fire Sprinkler Systems
10-5R309.0	Additional requirements
10-5R329	Solar Energy Systems
10-58-103	Historic Buildings

ADMINISTRATION

SECTION 10-50100. ADOPTION OF THE CALIFORNIA FIRE CODE.

100. *Adoption of the California Fire Code*. The 2025 California Fire Code, as promulgated by the California Building Standards Commission, which incorporates the adoption of the 2024 edition of the International Fire Code as amended with necessary California amendments, and the 2024 International Fire Code, including Appendix Chapters E and F, are hereby adopted and amended by the City of Fresno for the purpose of prescribing regulations governing conditions hazardous to life and property, protection from fire, hazardous materials, or explosions, except such portions as fully as if set out at length herein. The Council does hereby find it is reasonably necessary to make certain changes and modifications to the requirements contained in the rules and regulations adopted pursuant to Sections 17922 et seq., and 18935 et seq., of the California Health and Safety Code; such change or modifications are herein more particularly set forth.

SECTION 10-50101.1. TITLE.

101.1. *Title.* This code shall be known as the Fresno Fire Code, may be cited as such, and shall be referred to herein as "this Code." When used here, "CFC" means the 2025 California Fire Code, with such amendments as adopted by the State of California and the 2024 International Fire Code, including appendix Chapters E and F, as adopted and amended in this article.

SECTION 10-50101.1.1. FIRE ZONES.

101.1.1. *Fire Zones.* For the purpose of this Code, the entire city shall be divided into three fire zones classified and known as Fire Zone No. 1, Fire Zone No. 2, and Fire Zone No. 3. The boundaries and limits of each such Fire Zone are shown upon a map designated City of Fresno Official General Plan Land Use and Circulation Map, Fresno, California, dated March 4, 2025, consisting of one sheet on file in the office of the fire code official, which with any amendments thereto, is hereby adopted and made a part of this chapter as though fully set forth herein.

Whenever in this Code reference is made to any Fire Zone, such reference shall be construed to mean one of the Fire Zones designated on said map and amendments thereto.

Fire Zone No. 1 shall consist of the area generally identified as the "Downtown Neighborhood, Downtown General, Downtown Core", bounded by the eastern edge of State Highway 99, the southern edge of State Highway 180 and the western edge of State Highway 41 where each of the noted highways intersect one another.

Fire Zone No. 2 shall consist of the remaining area generally identified as the western edge of Van Ness Ave where it intersects with State Highway 180 off

ramp, the southern edge of Belmont Ave where it intersects with Van Ness Ave and Pacific Ave, the eastern edge of Pacific Ave, the Eastern Edge of Teilman Ave, the northern edge of Whitesbridge Ave, the western edge of Fruit Ave, terminating where Fruit Ave intersects with Dunn Ave. Fire Zone No. 2 shall also consist of the area bounded by the western edge of H St. where it intersects with Monterey St., the northern edge of Los Angeles St., the northern edge of Butler Ave, to where Butler Ave intersects with O St. The western edge of O St. to where it intersects with San Benito St., the southern edge of San Benito St. to where it intersects with H St. on the map not included in Fire Zone No. 1.

Fire Zone No. 3 shall consist of the remaining areas not included in Fire Zone No. 1 or Fire Zone No. 2.

SECTION 10-50101.6. LIMITS ESTABLISHED BY LAW.

101.6. *Limits established by law.* The limit(s) referred to in Chapter 56 and Sections 5704 (et. al) and 6104 (et. al.) of the California Fire Code shall mean those locations noted by Fire Department Policy and the California Fire Code, whichever is the most restrictive.

SECTION 10-50102.3. CHANGE OF OCCUPANCY.

102.3. *Change of use or occupancy.* A change of use or occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code, the Fresno Fire Code, and the California Existing Building Code as applicable. Where approved by both the fire code official and the building code official, a change of occupancy shall be permitted without complying with the requirements of this code and the California Existing Building Code, provided that

the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

SECTION 10-50102.6. HISTORIC BUILDINGS.

102.6. *Historic buildings.* The provisions of this Code relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing historic buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided in accordance with Section 1103.1.1 and Part 8 of Title 24 of the 2025 California Historic Building Code, as amended by this ordinance.

SECTION 10-50103.1. CREATION OF AGENCY.

103.1. *Creation of agency.* The City of Fresno Fire Department – Fire Prevention Division is hereby created and the sworn official in charge thereof shall be known as the fire code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

Whenever the terms "department of fire prevention," "fire prevention bureau," "fire prevention division", "community risk reduction unit," or "prevention, support, and technical services division," are used in this Code or the Fresno Municipal Code, the terms shall mean those sworn personnel assigned to, and engaged in, the prevention or investigation of fire on behalf of the City of Fresno Fire Department.

SECTION 10-50103.4 RESPONSIBILITY FOR ENFORCEMENT.

103.4. *Responsibility for enforcement.* Enforcement of building standards and other fire protection and life safety requirements adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire, life, and panic safety, and other regulations of the State Fire Marshal, shall be the responsibility of the fire code official. This responsibility includes all new and existing buildings, and R-3 occupancies, including one-and two-family dwellings.

SECTION 10-50105.5. REQUIRED OPERATIONAL PERMITS.

105.5. *Required Operational Permits.* The fire code official is authorized to issue operational permits for the operations set forth in Section 105.5.1 through Section 105.5.60. Required permits will only be issued for those operations where a permit fee has been established by Master Fee Schedule resolution.

SECTION 10-50105.5.15. EXHIBITS, TRADE SHOWS AND SPECIAL EVENTS.

105.5.15. *Exhibits, Trade Shows, and Special Events.* An operational permit is required to operate exhibits, trade shows, and special events.

SECTION 10-50105.5.17. FIRE HYDRANTS AND VALVES.

105.5.17. *Fire Hydrants and valves.* An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and provided with ready access from a fire apparatus access road that is open to or generally used by the public, accessible to public roadways, alleys, or public utility easements on private property. Such permit shall be obtained from the Water Division of the Department of Public Utilities of the City, or person responsible for the provision of water to such fire

hydrants or water systems within a waterworks district. See also Section 901.8.

Exception: A permit is not required for authorized employees of the water company that supplies the system or fire department personnel to use or operate fire hydrants or valves.

SECTION 10-50105.5.33. MISCELLANEOUS COMBUSTIBLE STORAGE.

105.5.33 *Miscellaneous combustible storage*. An operational permit is required to store in any building or on any premises in excess of 2,500 cubic feet (71 m3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, combustible pallets, rubber tires, rubber, cork or similar combustible material.

SECTION 10-50105.5.36. OPEN BURNING.

105.5.36. *Open Burning.* An operational permit is required for any open burning, including for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, including recreational fires. Instructions and stipulations of the permit shall be adhered to and complied with.

An operational permit may only be issued by the fire code official after the appropriate permit has been issued to the applicant from the San Joaquin Valley Air Pollution Control District.

SECTION 10-50105.5.60. EXTERIOR STORAGE.

105.5.60. *Exterior Storage.* An operational permit is required for the exterior storage of more than 4,999 square feet of combustible empty packing

cases, bin boxes, boxes, barrels or similar containers, pallets, rubber tires, rubber, cork or similar combustible material, wood or plastic products, other combustible finished materials, wood chips, hogged material, fines, compost, recycled materials, industrial waste, or similar products.

SECTION 10-50105.6. REQUIRED CONSTRUCTION PERMITS.

105.6. *Required Construction Permits.* The fire code official is authorized to issue construction permits for work as set forth in Section 105.6.1 through Section 105.6.25. Required permits will only be issued by the fire code official for work where a permit fee has been established by Master Fee Schedule resolution.

SECTION 10-50105.6.1. AUTOMATIC FIRE-EXTINGUISHING SYSTEMS.

105.6.1. *Automatic fire-extinguishing systems.* A construction permit is required for installation of, alteration of, or modification to an automatic fire-extinguishing system, other than an automatic sprinkler system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

105.6.2. *Automatic sprinkler systems.* A construction permit is required for installation of, alteration of, or modification to an automatic sprinkler system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

SECTION 10-50105.6.15. LP-GAS.

105.6.16. *LP-gas.* A construction permit is required for the installation of or any modification to any LP-gas system or tank with a capacity (single or in

aggregate) in excess of 124 gallons. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

SECTION 10-50106.1.2 STAMPS.

106.1.2. *Stamps.* The fire code official may require fire protection system construction documents to be stamped by an approved, State of California registered, Fire Protection Engineer, or other fire code official approved Technical Specialist. This requirement shall be applied at the sole discretion of the fire code official.

SECTION 10-50106.1.3 APPROVALS.

106.1.3. *Approvals.* The process described in section 106.1.2 shall only be permitted after the fire code official has approved the engineer or specialist, and the engineer or specialist has demonstrated that they possess the technical ability to evaluate fire protection system designs and have the proper background and experience.

SECTION 10-50108.4 WORK COMMENCING BEFORE PERMIT ISSUANCE

A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to a penalty or fee as established by the applicable governing authority, which shall be in addition to the required permit fees.

SECTION 10-50108.7. FEES FOR FIRE INSPECTIONS.

108.7. *Fees for fire inspections.* The fire code official shall be authorized to charge a fee for any fire inspections of any existing building, facility, site,

structures, or property within the City of Fresno. Fees for such services shall be in accordance with the adopted Master Fee Schedule.

SECTION 10-50109.1.1. INSPECTION FREQUENCY.

109.1.1. *Inspection Frequency*. The fire code official is authorized to establish a minimum inspection frequency for all occupancy groups where not already determined by the State of California Health and Safety Code.

SECTION 10-50111.2. SERVICE UTILITIES.

111.2. *Authority to require connection to service utilities.* The fire code official shall have the authority to require connection of utility services from any building, structure or system to a recognized service utility provider in order to ensure the health and safety of occupants and the preservation of the structure. Utility services may include, but are not limited to, water service, electrical service, gas service, or any other utility service. The fire code official may refuse to issue any permits until the owner of the property, building, structure or system provides proof of connection to the utility service.

SECTION 10-50112. MEANS OF APPEALS.

112.1. *Board of appeals established.* In order to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of the Fresno Fire Code, there shall be and is hereby created a board of appeals (hereafter referred to as the "Building Standards Appeals Board") consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and hazards of fire, explosions, hazardous conditions, or fire protection systems, who are not

employees of the City of Fresno.

The Building Standards Appeals Board shall perform the following appeal duties:

a) Determine the suitability of alternate materials, engineering designs, methods of construction, and equipment.

b) Provide reasonable interpretations of the provisions of the Fresno Fire Code and other relevant codes.

Exception: Appeals of administrative citations, fees, penalties, or charges that may be levied by the fire department such as emergency response, fire suppression costs, mitigation costs, clean-up costs, inspection or re-inspection charges, false alarm charges, or failure to comply with written citations or notices, shall comply with Fresno Municipal Code, Chapter 1, Article 4.

The building official shall serve as an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The Building Standards Appeals Board shall be appointed by the Mayor and shall hold office at the pleasure of the Mayor.

The Building Standards Appeals Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

112.2. *Limitations on authority.* The Building Standards Appeals Board shall have no authority to interpret the administrative provisions of this code. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the

provisions of this code do not fully apply, or an equivalent or better form of construction is proposed. An economic condition shall not be considered as a valid basis for an appeal of the provisions of this Code. The board shall not have authority to waive requirements of this code.

SECTION 10-50113.3.1. SERVICE.

113.3.1. *Service.* A notice of violation issued pursuant to this code shall be served on the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility on the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, the owner's authorized agent, or occupant. The fire code official is authorized to issue an administrative citation for abatement of violations of this code in accordance with Fresno Municipal Code, Chapter 1, Article 3 and Fire Department Policy.

SECTION 10-50113.4. VIOLATION PENALTIES.

113.4. *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 issued or used under provisions of this code shall be guilty of a misdemeanor. Upon failure to comply

with a written notice of violation, the fire code official is authorized to impose penalties and or seek legal action in accordance with Fresno Municipal Code, Chapter 1, Article 3. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

113.4.1. *Abatement of Violation.* In addition to the imposition of the penalties herein described, the fire code official 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. Such action is subject to the cost recovery provisions of Section 112.5, et. al.

SECTION 10-50113.5. COST RECOVERY.

113.5. *Cost Recovery.* The fire code official (or designee) is authorized to recover any direct or indirect costs for fire prevention activities, fire suppression, hazardous material incident response, and protection of the public from fire and life safety hazards.

113.5.1. *Fire prevention cost recovery.* Any person who fails to, or refuses to, correct, within the time allotted for correction, any fire hazard prohibited by code, regulation, ordinance or law, for which a public agency has issued a notice of violation or correction respecting the hazard, or failure to comply with a written notice of violation is liable for the fire prevention costs, and any other costs, incurred in furtherance of the abatement of the fire hazard, and those costs shall be a charge against that person.

113.5.2. *Fire suppression cost recovery.* Any person who causes a fire, 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 fire suppression costs, rescue or emergency medical services costs, and any other costs incurred as a result of fighting the fire.

113.5.3. *Hazardous materials release cost recovery.* Any person who releases a hazardous material, allows a hazardous material to be released, causes, or allows a hazardous material attended by him or her to escape onto any public or private property, is liable for the hazardous material incident response, rescue or emergency medical services costs, and any other costs incurred as a result of responding to the hazardous material release.

113.5.4. *Protection of the public cost recovery.* Any person who creates a fire or life safety hazard to the public, allows a fire or life safety hazard to the public, causes, or allows a fire or life safety hazard to the public to escape onto any public or private property, is liable for the life or fire safety hazard incident response, rescue or emergency medical services costs, and any other costs incurred as a result of responding to the life or fire safety hazard to the public.

113.5.5. *Action and administration.* Cost recovery actions and administration pursuant to this section shall be as set forth in Fresno Municipal Code, Chapter 1, Article 5, and the Master Fee Schedule.

113.5.6. *Hearings.* Cost recovery hearings shall be conducted as set forth in Fresno Municipal Code, Chapter 1, Article 4.

113.5.7. *Other laws.* The provisions of this section shall not be deemed to

nullify or prevent the application, either cumulatively, concurrently, or separately, of the provisions of the California Health and Safety Code or any other law related to liability, cost recovery, civil, criminal or administrative action.

SECTION 10-50114.4. FAILURE TO COMPLY.

114.4. *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 subject to an administrative citation, and/or other judicial or administrative action in accordance with Section 112.4 et.al.

SECTION 10-50115.1. GENERAL.

115.1. *General.* If during the inspection of a premises, a building or structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the building official for any repairs, alterations, remodeling, removing, removal, or demolition as may be required by Fresno Municipal Code, Chapter 11, Article 4, Dangerous Building Regulations.

DEFINITIONS

SECTION 10-50202. GENERAL DEFINITIONS.

FIRE CODE OFFICIAL. The chief fire officer charged with the administration and enforcement of the code, or a duly authorized representative.

FIRE DEPARTMENT BYPASS KEY. An approved key used by authorized emergency services personnel to bypass secured access locations.

FIRE MARSHAL. A chief fire officer of the fire department or a duly authorized representative, who is charged with either the prevention or investigation of fires.

RECYCLING AND INDUSTRIAL WASTE. Any material which has been recycled, including post-consumer or industrial waste, wood by-products or other similar products.

RECYCLING AND INDUSTRIAL WASTE HANDLING FACILITY. Any site, building or facility that stores, manufactures, processes, or handles wood by-products, recycled materials, including post-consumer waste, industrial waste, or other similar materials.

COMBUSTIBLE WASTE MATERIAL

SECTION 10-50304.4. RECYCLING AND WASTE HANDLING FACILITIES.

304.4. *Recycling and waste handling facilities.* See Chapter 28 of the Fresno Municipal Code for specific requirements related to recycling and industrial waste handling facilities. Recycling and industrial waste handling facilities shall also be in accordance with all applicable fire department policies.

SECTION 10-50304.5. DUMPING OF COMBUSTIBLE WASTE MATERIAL.

304.5. *Dumping of combustible waste material.* No owner or occupant of any lot, site or premises shall maintain thereon any rubbish or waste material likely

to become easily ignited, and, provided further, no person shall place, deposit, or leave any, metallic cans containing combustible materials, combustible waste, or rubbish on any property not owned or controlled by such person or persons.

SECTION 10-50304.6. REMOVAL OF DEBRIS.

304.6. *Removal of debris.* Any person having in their possession or under their control, upon any premises, any kind of materials, which have been rendered useless or un-merchandisable by reasons of any fire on the premises, or any other debris resulting from such fire, must commence to remove the same from the premises within 24-hours after notice to do so from the fire code official, and must thereupon proceed with and diligently carry on the work of such removal until the same has been completed.

304.7. *Failure to comply.* Any person who shall discontinue the removal of debris after having been served with a notice or order to remove said debris, shall be subject to an administrative citation, or other judicial or administrative action in accordance with Section 112.4 et.al.

SECTION 10-50307.1.1. PROHIBITED OPEN BURNING.

307.1.1. *Prohibited open burning.* Notwithstanding other provisions in Section 307, open burning is prohibited as follows:

1. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

2. Open burning in violation of the rules or regulations promulgated by the San Joaquin Valley Air Pollution Control District.

The fire code official (or designee) is authorized to order, or effect, the immediate extinguishment of any open burning when in the opinion of the fire code official (or designee), it is reasonably necessary for safety or the protection of life and health and may issue administrative citations and seek to recover costs in accordance with Sections 113.5 et. al. of this Code.

SECTION 10-50311.1.1. ABANDONED PREMISES.

311.1.1. *Abandoned premises.* Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered to be abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the International Property Maintenance Code, the California Building Code and the Fresno Municipal Code, Chapter 11, Article 4 (Dangerous Building Ordinance).

SECTION 10-50312.1. GENERAL.

312.1. *General.* Vehicle impact protection required by this code shall be provided by posts that comply with Section 312.2 or by other approved physical barriers that comply with 312.3.

Exception: Fire hydrants may be protected in accordance with City of Fresno Public Works Standard W-23 (Fire hydrant installation with protector posts).

SECTION 10-50315.4.3. ADDITIONAL REQUIREMENTS FOR OUTSIDE

STORAGE.

315.4.3. *Additional requirements for outside storage.* Outside storage shall be in compliance with the operational permit requirements of Section 105 as applicable. Exterior storage of tires shall be in accordance with Chapter 34. Outside storage of recycled materials, industrial waste, plastic or wooden finished products, baled material or other similar products shall be in accordance with Chapter 28 and fire department policy. Outdoor storage at sites that store, manufacture, process or handle wood by-products, recycled materials, industrial waste, and other similar materials shall be in accordance with Chapter 28. Outside storage shall be provided with an approved water supply for firefighting purposes in accordance with Section 507.

EMERGENCY PLANNING AND PREPAREDNESS

SECTION 10-50403.1. GENERAL.

403.1 *General.* In addition to the requirements of Section 401, occupancies, uses and outdoor locations shall comply with the emergency preparedness requirements set forth in Sections 403.2 through 403.10.6. Where a fire safety and evacuation plan is required by Sections 403.2 through 403.10.6, evacuation drills shall be in accordance with Section 405 and employee training shall be in accordance with Section 405. Evacuation plans, diagrams, and signage required by this section shall be prepared using the symbology in the currently adopted edition of NFPA 170. The edition of NFPA 170 used shall be noted on the construction documents.

FIRE SERVICE FEATURES

SECTION 10-50503.7. ELECTRIFIED SECURITY FENCES

503.7. *Electrified security fences.* Electrified security fences shall be approved prior to installation and shall be installed in accordance with requirements noted in the California Civil Code and fire department policy.

SECTION 10-50505.1. PREMISES IDENTIFICATION.

505.1 *Address identification.* New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm) unless larger characters are specified by Planning and Development Policy 02-111 and/or Policy G-002. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. The requirements of Fresno Municipal Code Section 12-1300 et seq. shall be followed. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

SECTION 10-50506.1 WHERE REQUIRED.

506.1. *Where required.* Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, the fire code official is authorized to require

a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037 and shall contain keys to gain necessary access as required by the fire code official. Installation requirements and key box contents shall be in accordance with fire department policy.

506.1.1 *Locks.* An approved lock or remote opening device shall be installed on gates or similar barriers where required by the fire code official in accordance with fire department policy.

506.1.1.1 *Unlawful possession of fire department bypass key.* It shall be unlawful for any person other than those authorized by the fire code official to possess a fire department bypass key.

506.1.1.2 *Unlawful duplication of fire department bypass key.* No person shall duplicate a fire department bypass key unless approved by the fire code official.

506.1.1.3 *Penalties.* Any person who shall violate either section 506.1.1.1 or 506.1.1.2 shall be guilty of a misdemeanor. Prosecution of such violations shall be in accordance with the California Penal Code.

506.2. *Key box maintenance*. The owner or operator of the building or premises shall immediately notify the fire code official and provide the new key where a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

SECTION 10-50510.1 EMERGENCY RESPONDER COMMUNICATIONS ENHANCEMENT SYSTEMS.

510.1 *Emergency responder communications enhancement systems in new buildings.* Approved in-building emergency responder communications enhancement system (ERCES) for emergency responders shall be provided in all new buildings. In-building ERCES within the building shall be based on the existing coverage levels of the public safety communications systems utilized by the jurisdiction, measured at the exterior of the building. The ERCES, where required, shall be of a type determined by the fire code official and the frequency license holder(s). This section shall not require improvement of the existing public safety communications systems.

Exceptions:

1. Where approved by the [deletion of BO] fire code official, a wired communications system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained instead of an approved communications coverage system.

2. Where it is determined by the fire code official that the communications coverage system is not needed.

3. In facilities where emergency responder communications coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder communications coverage system.

4. One and two family dwelling units as defined in the California Residential Code.

5. Buildings of any construction type permitted by the California Building Code that are 50,000 square feet or less, and are less than 30' feet in height, with no storage or parking below the lowest level of fire apparatus access.

6. Buildings where an approved pre-construction emergency communications study, and a final field emergency communications study, both validate and provide confirmation that the required City of Fresno radio strengths are available. The pre-construction emergency communications study and the final field emergency communications study shall be provided where required by the fire code official.

DECORATIVE MATERIALS OTHER THAN DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS

SECTION 10-50807.5.1.3. WOOD USE IN PLACES OF RELIGIOUS WORSHIP.

807.5.1.3. *Wood use in places of religious worship.* In new and existing places of religious worship, wood used for ornamental purposes, trusses, paneling or chancel furnishing shall be allowed where such material meets the flame spread requirements found in Table 803.3.

FIRE PROTECTION SYSTEMS

SECTION 10-50901.4.5. ADDITIONAL FIRE PROTECTION SYSTEMS.

901.4.5. *Additional fire protection systems.* In occupancies of a hazardous nature, or where any special hazards exist in addition to the normal hazards of the occupancy, or where the fire code official determines that access for fire apparatus is unduly difficult, the fire code official shall have the authority to require additional

safeguards and fire protection systems. Fire protection and life safety systems required under this section shall be installed in accordance with this code and the applicable, adopted referenced standards. Fire protection equipment or systems required under this section shall be installed in accordance with this code and the applicable, adopted referenced standards and shall be considered a required system as noted in section 901.4.1.

901.4.6.1 *Removal of prohibited equipment.* Any device that is prohibited by section 901.4.6 shall be immediately removed upon written order of the fire code official.

901.4.6.2 *Prohibited fire protection system equipment.* The fire code official shall have the authority to prohibit the installation, use, etc., of any piece of fire protection system equipment, regardless of the listing or approval of the equipment. Prohibited equipment shall not be installed in any fire protection system.

901.4.7.5 *Additional requirements.* In addition to the requirements found in 901.4.7, all fire pump rooms shall comply with fire department policy.

901.6.3.1 *Records reporting*. All inspection, testing and maintenance reports required by any code, regulation, or adopted referenced standard shall be forwarded to the fire code official using approved electronic media to an approved, designated third party. The fire code official is hereby authorized to approve and designate a third party to receive these reports. Paper (hard copy) reports are not permitted. Records shall be provided in such form and detail as required by the fire code official where not otherwise designated by the California State Fire

Marshal.

901.9.1 *Termination of water service*. For water supply service to any piece of fire protection system equipment required by this code, notice shall be made to the fire code official whenever water service is terminated. Notice shall be made in writing by the provider of the water service being terminated.

SECTION 10-50903.1.2 DETERMINATION OF BUILDING AREA

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

1. Fire walls, fire barriers, fire partitions, or horizontal fire assemblies as defined in this Code shall not be considered to create separate buildings or fire areas for determining automatic sprinkler requirements.

Exceptions:

(a) Party walls located on a lot line between two buildings in accordance with California Building Code, Section 706 with no openings between the buildings.

(b) Fire walls installed in accordance with California Building Code, Section 706 with no openings, and with specific fire wall requirements in Section 903 of this Code based on occupancy.

2. Determination of building area for combustible construction shall be measured to the building perimeter roof dripline, including any architectural features. Architectural features include, but are not limited to,

mansards, towers, porte cocheres, etc., with the exception of 44" maximum depth roof eaves.

3. For non-combustible construction, building area shall include all perimeter roof areas exceeding 44" that are required by the currently adopted edition of the California Building Code or 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 Section 705.3, the combined floor areas shall be used to determine the automatic sprinkler system requirements.

SECTION 10-50903.2. WHERE REQUIRED.

903.2 *Where required.* Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12 and Sections 903.2.14 through 903.2.21. Additionally, an approved automatic sprinkler system shall be installed in all new buildings or structures when the fire area is 4,999 square feet or larger in any occupancy group, including Group R occupancies. Where required to be sprinklered at a lower square footage, or based on occupancy group, use, etc. the most restrictive requirements shall apply.

Exceptions:

1. Group F-2 and S-2 occupancy buildings constructed of entirely of non-combustible construction throughout and with contents that are stored, used or manufactured that are classified as non-combustible.

2. Accessory uses in any building that, in total, do not exceed 10% of the gross building area and any single accessory use area does not exceed 2,499 square feet do not require installation of a new automatic fire sprinkler system. As a condition of approval for use of this exception, an operational statement shall be submitted to the Planning and Development Department with the building plan permit application and the owner shall execute a covenant running with the property agreeing to the installation of the required automatic fire sprinkler system, or other approved extinguishing system, if the occupancy, use or building construction changes from the approved non-combustible limitations.

3. Detached group S-2 occupancy carports of non-combustible construction, without exterior walls, used exclusively for the parking of motor vehicles that meet the separation requirements to real and assumed property lines per Table 705.5 of the California Building Code. Installation of solar panels on the roof of such carports is permissible when using this exception.

SECTION 10-50903.2.8.4 NEW MANUFACTURED HOMES

903.2.8.4 *New manufactured homes.* An automatic sprinkler system shall be installed in new manufactured homes (HS Sections 18007 and 18009), and new multifamily manufactured homes with two dwelling units (HS 18008.7) in accordance with Title 25 of the California Code of Regulations.

SECTION 10-50903.2.8.5 GROUP R ATTIC, OVERHEAD, AND ABOVE CEILING STORAGE ROOMS.

903.2.8.5 *Group R attic, overhead and above ceiling storage rooms.* When an automatic sprinkler system is, or has been, required by other provisions of this code, or the California Residential Code, for a Group R occupancy, and the building is constructed of Type V construction, the automatic sprinkler system shall be extended into all attic, overhead, or above ceiling storage rooms.

SECTION 10-50903.2.8.6 GROUP R GARAGE STORAGE ROOMS

903.2.8.6 *Group R garage storage rooms.* When an automatic sprinkler system is, or has been, required by other provisions of this code, or the California Residential Code, for a Group R occupancy, and the building is constructed of Type V construction, the automatic sprinkler system shall be extended into all garage storage rooms.

SECTION 10-50903.3.1 INSTALLATION REQUIREMENTS.

903.3.1. *Standards.* Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1.1, unless otherwise permitted by Sections 903.3.1.2, 903.3.1.3, other chapters of this code, and the requirements of the Fresno Municipal Code, as applicable. Automatic fire sprinklers or fire sprinkler systems not required by the California Building Standards Code may be of any type approved by the fire code official.

903.3.1.1. *NFPA 13 sprinkler systems*. Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 as amended in Chapter 80 and the Fresno Municipal Code, except as provided for in sections 903.3.1.1.1 through

903.3.1.1.3.

903.3.1.1.1: *Exempt locations*. Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. A room or space where sprinklers constitute a serious life or fire hazard because of the nature of the contents, as determined by the authority having jurisdiction.

2. Machine rooms, machinery spaces, control rooms, control spaces and hoistways associated with fire service access elevators in accordance with Section 3007.

3. Machine rooms, machinery spaces, control rooms and control spaces and hoistways associated with occupant evacuation elevators designed in accordance with Section 3008 of the California Building Code.

4. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, and associated electrical power distribution equipment, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than I-hour fire barriers constructed in accordance with Section 707 of the California Building Code or not less than 2-hour horizontal assemblies constructed in accordance with Section 712

of the California Building Code, or both.

903.3.1.1.2. *Bathrooms.* In Group R occupancies, sprinklers installed per NFPA 13, shall not be required in bathrooms that do not exceed 55 square feet (5 m2) in area and are located within individual dwelling units or sleeping units, provided that walls and ceilings, including the walls and ceilings behind a shower enclosure or tub, are of noncombustible or limited-combustible materials with a 15-minute thermal barrier rating.

Exception:

1. Group R occupancies where automatic fire sprinklers are, or were, used as a substitution for any other California Building Code requirements.

903.3.1.1.2.1. *Closets.* In Group R occupancies, sprinklers installed per NFPA 13, shall not be required in closets that do not exceed 12 square feet (5 m2) in area and are located within individual dwelling units or sleeping units, provided that walls and ceilings are of noncombustible or limited-combustible materials with a 15-minute thermal barrier rating.

Exception:

1. Group R occupancies where fire sprinklers are, or were, used as a substitution for any other California Building Code requirements.

903.3.1.1.5. *Group R Mixed Occupancy Buildings.* Mixed occupancy buildings containing Group R occupancies shall be provided with automatic sprinkler systems in accordance with Section 903.3.1.1 (NFPA 13) including the sprinkler requirements for bathrooms and closets. The Group R residential portion

of a mixed occupancy building shall be provided with fire sprinkler piping and control valves arranged so that the automatic sprinkler system will remain in service independent of any non-residential occupancies.

Exceptions:

1. Mixed occupancy buildings where a vertical fire barrier with no openings is provided in accordance with California Building Code, Section 707 separating the R occupancy from other uses may have automatic sprinkler systems installed in the residential portion in accordance with Sections 903.3.1.2 or 903.3.1.3 as applicable. Separate control valves shall be installed as indicated above unless otherwise approved by the fire code official.

2. Group R-1 or R-2 occupancies with accessory occupancy groups that do not require installation of fire sprinklers by Section 903.2.

903.3.1.1.6. *Joint Live Work Units Quarters.* Where joint live/work residential dwelling units are constructed in accordance with Fresno Municipal Code, Chapter 11, Article 7, automatic fire sprinkler systems shall be designed in accordance with Section 903.3.1.1 (NFPA 13) including the requirements for bathrooms and closets.

903.3.1.2 *NFPA 13R sprinkler systems.* Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R as amended in Chapter 80 and by the Fresno Municipal Code, except where prohibited in Sections 903.3.1.1.5 and 903.3.1.1.6, and as noted below:

1. Three stories or less above grade plane.

2. The floor level of the highest story is 30 feet (9144 mm) or less above the lowest level of fire department vehicle access.

3. The floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the California Building Code shall be measured from grade plane.

903.3.1.2.1. *Balconies, Decks, Entryways, and Patios.* Sprinkler protection shall be provided for exterior balconies, decks, ground floor patios, and entryways (enclosed on two or more sides) of dwellings, dwelling units, and sleeping units where either of the following conditions exists:

1. The building is of Type V construction, provided that there is a roof or deck above.

2. Exterior balconies, decks and ground floor patios of dwellings, dwelling units, and sleeping units are constructed in accordance with Section 705.2.3.1, Exception 3 of the California Building Code.

Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies, decks, and entryways that are constructed of open wood joist construction.

903.3.1.2.3. *Attics.* Attic protection shall be provided as follows:

1. Attics that are used or intended for living purposes or storage shall be protected by an automatic sprinkler system.

2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be Installed above the equipment.

3. Where located in a building of Type III, Type IV, or Type V construction designed in accordance with Section 510.2 or 510.4 of the California Building Code, attics not required by Item 1 to have sprinklers shall comply with one of the following if the roof assembly is located more than 30 feet above the lowest level of required fire department vehicle access:

3.1. Provide automatic sprinkler system protection.

3.2. Construct the attic using entirely noncombustible materials.

3.3. Construct the attic using fire retardant-treated wood complying with Section 2303.2 of the California Building Code.

3.4. Fill the entire attic with noncombustible insulation.

The height of the roof assembly shall be determined by measuring the distance from the lowest required fire vehicle access road surface adjacent to the building to the eave of the highest pitched roof, the intersection of the highest roof to the exterior wall, or the top of the highest parapet, whichever yields the greatest distance. For the purpose of this measurement, required fire vehicle access roads shall include only those roads that are necessary for compliance with Section 503.

4. Group R-4, Condition 2 occupancy attics not required by Item 1 to have sprinklers shall comply with one of the following:

4.1. Provide automatic sprinkler system protection.

4.2. Provide a heat detection system throughout the attic that is arranged to activate the building fire alarm system.

4.3. Construct the attic using noncombustible materials.

4.4. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the California Building Code.

4.5. Fill the attic with noncombustible insulation.

903.3.1.2.3.1 *Bathrooms.* In Group R occupancies, sprinklers installed per NFPA 13R, shall not be required in bathrooms that do not exceed 55 square feet (5 m2) in area and are located within individual dwelling units or sleeping units, provided that walls and ceilings, including the walls and ceilings behind a shower enclosure or tub, are of noncombustible or limited-combustible materials with a 15-minute thermal barrier rating.

Exception:

Group R occupancies where automatic fire sprinklers are, or were, used as a substitution for any other California Building Code requirements.

903.3.1.2.3.1.2 *Closets.* In Group R occupancies, other than Group R-4 occupancies, sprinklers installed per NFPA 13R, shall not be required in closets that do not exceed 12 square feet (5 m2) in area and are located within individual dwelling units or sleeping units, provided that walls and ceilings are of noncombustible or limited-combustible materials with a 15-minute thermal barrier

rating.

Exception:

Group R occupancies where fire sprinklers are, or were, used as a substitution for any other California Building Code requirements.

SECTION 10-50903.3.5.2. RESIDENTIAL COMBINATION SERVICES.

903.3.5.2. Residential combination services. Residential combination water supplies are prohibited.

Exceptions:

1. Automatic sprinkler systems installed as noted in Section 903.3.1.3 (NFPA 13D).

2. Where approved by the fire code official.

SECTION 10-50903.3.9. FLOOR CONTROL VALVES.

903.3.10 *Floor control valves.* Approved, supervised, indicating floor control valves and waterflow detection assemblies shall be installed at the point of connection to the riser on each floor where any of the following occur:

1. Buildings where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access.

2. Buildings that are three or more stories in height.

3. Buildings that are two or more stories below the highest level of fire department vehicle access.

The building fire alarm system, dedicated function fire alarm system, and/or remote annunciator panel shall be provided at an approved location, readily accessible to the fire department and shall indicate the floor of activation of all floor

control valves and waterflow detection assemblies.

Exception:

Waterflow detection and floor control valve assemblies shall not be required Group R-3 and R-3.1 occupancies.

SECTION 10-50903.6. WHERE REQUIRED IN EXISTING BUILDINGS AND STRUCTURES.

903.6 *Where required in existing buildings and structures.* An approved automatic sprinkler system or other approved automatic fire extinguishing system shall be provided in existing buildings and structures, including R-3 occupancies and one and two family dwellings, in those circumstances described in this Section and where required in Chapter 11. Installation requirements shall be as set forth for new buildings by Sections 903.2 through 903.2.21, and where applicable, the California Residential Code.

1. Building additions. When a building addition to any existing building is 1,750 square feet or more and the total proposed building area is 5,000 square feet or larger, an approved automatic sprinkler system shall be installed throughout the building. The 1,750 square foot threshold for automatic fire sprinkler installation shall be cumulative over the life of the building.

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

2. One and two family dwelling relocations. When any existing Group R-3 building, or any one or two family dwelling is relocated, an

approved automatic sprinkler system shall be installed throughout the building in accordance with 903.3.1.3 (NFPA 13D). This requirement shall supersede any exceptions found in the California Building Standards Code, including California Residential Code.

3. Change of occupancy or use. In any existing building 5,000 square feet or larger, when a change of occupancy or use in accordance with the California Building Code or the California Existing Building Code is made and the proposed new occupancy or use is more hazardous to life and safety than the existing occupancy or use, an approved automatic fire extinguishing system shall be installed throughout the building. The determination of a more hazardous use or occupancy shall be made in accordance with the California Existing Building Code and Fire Department Policy, whichever is the most restrictive.

Exceptions:

(a) If the area in which the change of occupancy or use occurs is less than 1,750 square feet of the actual floor area of the existing building and the area of the new occupancy is 2,499 square feet or less, and an automatic sprinkler or fire extinguishing system is not required based on occupancy by Section 903, an automatic sprinkler or automatic fire extinguishing system is not required for any portion of the building. The 1,750 square foot limit is cumulative over the life of the building.

(b) If the area in which the change of occupancy or use

occurs exceeds 1,750 square feet but is less than 50% of the gross floor area of the existing building, only that portion of the building changing occupancy is required to have an approved automatic sprinkler or automatic fire extinguishing system installed. An approved fire separation shall be required between portions of the building equipped with an automatic fire sprinkler or automatic fire extinguishing system and those portions without.

(c) If an individual or cumulative changes of occupancy or use exceed 50% of the gross floor area of the existing building, then the entire building shall have an approved automatic sprinkler or automatic fire extinguishing system installed throughout the building.

4. Fire Damage Repairs. An approved automatic sprinkler system shall be installed as a condition of a fire damage repair building permit as follows:

(a) When a fire occurs in any existing building or occupancy, including R-3 occupancies and one and two family dwelling units, and the building permit repair costs exceed 25% of the current building valuation, an automatic sprinkler system shall be installed throughout the building as required for a new building in Section 903 or R309, regardless of the building square footage.

(b) When a fire occurs in any R occupancy, including one and two family dwelling units, and building permit fire repair costs in the kitchen area of the dwelling unit(s) exceeds $999, a single fire

sprinkler head or other approved automatic extinguishing system shall be installed in the kitchen per Fire Department Policy, regardless of the building square footage.

(c) Fire damage repair costs and building valuation shall be determined using the latest ICC Building Valuation Tables in use by the Planning and Development Department at the time of the issuance of the fire damage repair permit.

5. R-2 condominium conversions. Existing group R-1 or R-2 buildings proposed for conversion to condominiums shall have an approved automatic sprinkler system installed throughout the entire building as a condition of approval, regardless of the building square footage.

6. R-1 to R-2 conversions. Existing group R-1 buildings proposed for conversion to R-2 shall have an approved automatic sprinkler system installed throughout the entire building as a condition of approval, regardless of the building square footage.

7. A-1 and A-2 occupancies. In existing group A-1 and group A-2 occupancies an approved automatic sprinkler system shall be installed throughout the entire building as a condition of any building permit where the permit cost is nine hundred ninety-nine dollars ($999) or more, regardless of the building square footage.

Exception: Building permits issued exclusively for mechanical systems, plumbing systems, electrical systems and re-roofing only.

SECTION 10-50907.1.2. FIRE ALARM SHOP DRAWINGS.

907.1.2. *Fire alarm shop drawings.* Shop drawings for fire alarm systems shall be prepared in accordance with NFPA 72 and submitted for review and approval prior to system installation. All plans and shop drawings shall use the symbols identified in the currently adopted edition of NFPA 170, Standard for Fire Safety and Emergency Symbols.

SECTION 10-50908.5 EMERGENCY ALARM SYSTEM INTERCONNECTION

908.5 *Emergency alarm system interconnection.* Where an emergency alarm system is required by this Code and a building fire alarm is installed, the emergency alarm system shall be interconnected with, and supervised by, the building fire alarm system.

SECTION 10-50912.4.4. ADDRESS IDENTIFICATION.

912.4.4. *Address identification.* For new and existing buildings, the fire code official is authorized to require additional approved address signage or building area identification signage to readily determine the building or area of a building served by fire department connections.

SECTION 10-50913.1 GENERAL

913.1 *General.* Where provided, fire pumps for fire protection systems shall be installed in accordance with this section, NFPA 20, and Fire Department Policy. Exception: Pumps for automatic sprinkler systems installed in accordance with Section 903.3.1.3, or Section P2904 of the California Residential Code.

SECTION 10-50916.11.4 GAS DETECTION SYSTEMS

916.10 *Fire alarm system connections.* Where a gas sensor or gas

detection system is required and a building fire alarm is installed, gas sensors and gas detection systems shall be interconnected with, and supervised by, the building fire alarm system. The interconnection shall be in accordance with the fire alarm equipment manufacturer's instructions.

SECTION 10-50917.2 GROUP E OCCUPANCIES

917.2 *Group E occupancies.* Prior to construction of a new building, or a change of occupancy to an existing building, that will contain a Group E occupancy requiring a fire alarm system and having an occupant load of 500 or more, a mass notification risk analysis shall be conducted in accordance with NFPA 72. Where the risk analysis determines a need for mass notification, an approved mass notification system shall be provided in accordance with the findings of the risk analysis.

MEANS OF EGRESS

SECTION 10-51025.6. MAINTENANCE OF LUMINOUS EGRESS PATH MARKGINS

1025.6. *Maintenance of luminous egress path markings.* Where luminous egress path markings are required in this code, or in previous editions of the Fresno Fire Code, they shall be maintained in accordance with Sections 1025.1 through 1025.5 and Fire Department Policy as applicable.

1025.7. *Removal of existing luminous egress path markings.* The fire code official is authorized to permit the removal of existing luminous egress path markings where both of the following conditions are met:

1. A permit for removal from the fire code official must be

obtained, prior to removal of the markings.

2. The exit system will remain in compliance with current California Fire Code requirements for luminous egress path markings.

CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

SECTION 10-51104.1.1. DOOR SWING.

1104.1.1. *Door Swing.* When, in the opinion of the fire code official, it is essential for public safety in any existing building or occupancy, because of the number of persons served, or the nature of the operation, an owner, agent or lessee shall install doors that swing in the direction of egress travel, as required and approved when such places are open to the public, or when such operation is being conducted.

SECTION 10-51104.1.2. DOOR HARDWARE.

1104.1.1.2 *Door Hardware.* When, in the opinion of the fire code official, it is essential for public safety in any existing building or occupancy, because of the number of persons served, or the nature of the operation, an owner, agent or lessee shall provide and maintain panic or fire exit hardware, as required and approved when such places are open to the public, or when such operation is being conducted.

ENERGY SYSTEMS

SECTION 10-511205.1. SOLAR PHOTOVOLTAIC POWER SYSTEMS.

1205.1 *General.* Solar photovoltaic (PV) systems shall be installed in accordance with the California Building Code or California Residential Code, and

the Fresno Municipal Code, including for Group R-3 and one and two family dwellings. The electrical portion of solar PV systems shall be installed in accordance with the California Electrical Code. Rooftop-mounted solar photovoltaic systems shall be installed in accordance with Sections 1205.2 through 1205.4.3. Ground-mounted solar photovoltaic systems shall comply with Section 1205.5

1205.2.1. *Section deleted and reserved.*

1205.2.1.1 *Pathways to ridge*. Not fewer than two 36-inch-wide (914 mm) pathways on separate roof planes, from lowest roof edge to ridge, shall be provided on all buildings. Not fewer than one pathway shall be provided on the street or driveway side of the roof. For each roof plane with a photovoltaic array, not fewer than one 36-inch-wide (914 mm) pathway from lowest roof edge to ridge shall be provided on the same roof plane as the photovoltaic array, on an adjacent roof plane.

1205.2.1.2 *Setbacks at ridge*. All photovoltaic arrays shall have a minimum 36 in. (914 mm) wide setback on both sides of a horizontal ridge.

1205.2.1.3 *Section deleted and Reserved*.

1205.2.3 *Building-integrated photovoltaic (BIPV) systems*. Where building-integrated photovoltaic (BIPV) systems are installed in a manner that creates areas with electrical hazards to be hidden from view, approved markings shall be provided to identify the hazardous areas to avoid for ladder placement. The markings shall be reflective and be visible from grade as required by the fire code official.

Exception: BIPV systems listed in accordance with UL 3741, where the removal or cutting away of portions of the BIPV system during fire-fighting operations have been determined to not expose a firefighter to electrical shock hazards.

1205.4.1.3 *Disconnecting Equipment.* All photovoltaic solar power system disconnecting means, including rapid shutdown equipment, shall be indicating, of an approved size and type, and shall be placed in an approved position that is plainly visible to approaching fire department personnel.

COMBUSTIBLE DUST-PRODUCING OPERATIONS

SECTION 10-502205.1.1 DUST HAZARD ANALYSIS

2205.1.1 *Dust hazard analysis.* A dust hazard analysis (DHA) is required for all new and existing buildings, facilities and operations which process, use, handle, generate or store combustible dusts, or operate combustible dust producing equipment. The dust hazard analysis shall be in accordance with NFPA 652. The DHA for existing facilities shall be in accordance with Section 7.1.1 of NFPA 652.

MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES

SECTION 10-52306.2.3. ABOVE-GROUND TANKS LOCATED OUTDOORS, ABOVE GRADE

2306.2.3 *Above-ground tanks located outdoors, above grade.* Above-ground tanks shall not be used for the storage of Class I, II or III liquid motor fuels, except as provided by this section.

1. Above-ground tanks used for outdoor, above-grade storage of Class I and II liquids shall be listed and labeled as protected above-ground tanks in accordance with UL 2085 and shall be in accordance with Chapter 57. Such tanks shall be located in accordance with Table 2306.2.3.

2. Above-ground tanks used for outdoor, above-grade storage of Class IIIA liquids shall be listed and labeled as protected above-ground tanks in accordance with UL 2085 and shall be installed in accordance with Chapter 57. Tank locations shall be in accordance with Table 2306.2.3.

Exception: Other above-ground tanks that comply with Chapter 57 where approved by the fire code official.

3. Tanks containing fuels shall not exceed 12,000 gallons (45 420 L) in individual capacity or 48,000 gallons (181 680 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).

4. Tanks located at farms, construction projects, or rural areas shall comply with Section 5706.2 (et. al.).

5. Above-ground tanks used for outdoor, above-grade storage of Class IIIB liquid motor fuel shall be listed and labeled in accordance with UL 142 or listed and labeled as protected above-ground tanks in accordance with UL 2085 and shall be installed in accordance with Chapter 57. Tank locations shall be in accordance with Table 2306.2.3.

FLAMMABLE FINISHES

SECTION 10-52401.4. LOCATION.

2401.4. *Location.* Locations or areas used for any of the operations noted in 2401.1 shall be located in accordance with Chapter 11 and Chapter 12 of the Fresno Municipal Code, and the associated policies of the respective regulatory agencies or departments.

STORAGE AND PROCESSING OF WOOD CHIPS, HOGGED MATERIALS, FINES, COMPOST, SOLID BIOMASS FEEDSTOCK AND RAW PRODUCT ASSOCIATED WITH YARD WASTE AND AGRO-INDUSTRIAL FACILITIES

2808.1 General. The storage and processing of wood chips, hogged materials, fines, compost, solid biomass feedstock and raw product produced from yard waste, debris and agro-industrial facilities shall comply with Sections 2808.2 through 2808.10.

RECYCLING AND WASTE HANDLING FACILITIES

SECTION 10-52811.1. SCOPE.

2811.1. *Scope.* The storage, manufacturing, processing or handling of wood by-products, recycled materials, industrial waste, and other similar materials not otherwise regulated by this code shall be in accordance with this section and fire department policy. The title of this Section shall be "RECYCLING AND WASTE HANDLING FACILITIES."

SECTION 10-52811.2. STORAGE SITE.

2811.2. *Storage site.* Storage, manufacturing, processing or handling sites shall be level and on solid ground, elevated soil lifts or other approved all-weather

surface. Sites shall be thoroughly cleaned before transferring regulated products to the site.

SECTION 10-52811.3. SIZE OF PILES.

2811.3. *Size of piles.* Piles shall not exceed 20 feet (6.1 m) in height, 50 feet (15.2 m) in width and 250 feet (76.2 m) in length. Piles shall be separated from adjacent piles or other exposures (including, but not limited to, property lines, other storage, and buildings) by means of fire department access roadways. A 120 foot (36.6 m) by 90 foot (27.5 m) area shall be maintained available for use by the fire department for interim storage of pile breakdown material during fire suppression activities.

Exception:

The fire code official is authorized to allow the pile size to be increased where a fire protection plan has been approved and additional fire protection is provided in accordance with Chapter 9. The increase shall be based on the capabilities of the system installed and the features of the system.

The fire protection plan shall include, but is not limited to, the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be based upon sound fire prevention and protection principles.

2. Factors that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including provisions for monitoring the internal condition of

the pile.

3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply and fire hydrants.

4. Fire apparatus access roads around the piles and access roads to the top of the piles shall be established, identified and maintained.

5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Additional fire protection called for in the plan shall be provided and shall be installed in accordance with this code.

SECTION 10-52811.4. PILE FIRE PROTECTION WATER SUPPLY.

2811.4. *Pile fire protection water supply.* An approved water supply for firefighting purposes shall be provided in accordance with Section 507.

SECTION 10-52810.5. SECURITY.

2811.5. *Security.* Site pile areas shall be surrounded with an approved fence. Fences shall be not less than 6 feet (1829 mm) in height.

SECTION 10-52811.6. PILE SEPARATION.

2811.6. *Pile separation.* Piles shall be separated from adjacent piles or other exposures (including but not limited to, property lines, other storage, and buildings) by means of fire department access roads.

SECTION 10-52811.7. PILE FIRE PROTECTION.

2811.7. *Pile fire protection.* Automatic sprinkler protection shall be provided

in conveyor tunnels and combustible enclosures that pass under a pile. Combustible or enclosed conveyor systems shall be protected by automatic sprinkler protection.

SECTION 10-52811.8. FIRE EXTINGUISHERS

2811.8. *Fire extinguishers.* Portable fire extinguishers complying with Section 906 and with a minimum rating of 4-A:60-B:C shall be provided on all vehicles and equipment operating on piles and at all processing equipment.

SECTION 10-52811.9. EXTERIOR STORAGE OF RECYCLED MATERIALS AND INDUSTRIAL WASTE.

2811.9. *Exterior storage of recycled materials and industrial waste.* Exterior storage of recycled material and industrial waste shall be in accordance with the operational permit requirements of Section 105.6.55, Section 10-50315.4.3 and fire department policy.

FIREWORKS AND EXPLOSIVES

SECTION 10-55602.2. - FIREWORKS ORDINANCE

5602.2. Short Title. This Section shall be known and cited as the "Fireworks Ordinance." When used, "this Section" means the Fireworks Ordinance.

5602.2. *Findings and Intent.*

(a) This Section governs the imposition, enforcement, collection and administrative review of all administrative fines related to: the possession, use, storage, sale and/or display of those fireworks classified as dangerous fireworks in California Health and Safety Code, Section 12505 et seq. or the possession, use, storage, sale and/or display of Safe and Sane fireworks on or at dates, times,

and/or locations other than those permitted by this Section. The administrative fines are imposed under authority of Government Code, Section 53069.4; Health and Safety Code, Section 12557; and, the police power of the City of Fresno.

(b) The issuance of an administrative citation to any person constitutes but one remedy of the City to redress violations of this Section. By adopting this Section, the City does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this Section which the City may otherwise pursue.

(c) The imposition of administrative fines under this Section shall be limited to persons who possess, use, sell, display, and/or permit the use of, or the seizure of 25 pounds or less of dangerous fireworks or persons who possess, use, sell, display, and/or permit the use of, Safe and Sane fireworks on or at the dates, times, and/ or locations other than those permitted by this Section.

(d) Administrative fines collected pursuant to this Section shall not be subject to Health and Safety Code, Section 12706. The administrative fines collected shall be allocated in compliance with Health and Safety Code, Section 12557, which requires the City to provide cost reimbursement to the California State Fire Marshal for reimbursement of costs, including, but not limited to transportation, and disposal. Regulations are to be adopted by the California State Fire Marshal setting forth this allocation. Unless and until such regulations have been adopted by the State of California, the City shall hold in trust a $250.00 fee in addition to any fine collected to cover the reimbursement to the California State Fire Marshal for the cost of transportation and disposal of the dangerous fireworks.

This fee is non-refundable.

(e) Due to the serious threat of fire or injury posed by the use of dangerous fireworks or Safe and Sane fireworks on or at dates, times, and/or locations other than those permitted by this Section, this Section imposes strict civil liability upon the owners of residential real property for all violations of this Section existing on that property. Each contiguous use, display, and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.

(f) The fire code official (or designee) may seek cost recovery for any costs imposed on the Fire Department due to negligence, an intentional wrongful act, carelessness, or malice as set forth in Fresno Municipal Code, Chapter 1, Article 5, Section 10-50109.5 of this Code, and the Master Fee Schedule.

(g) This section shall not apply to the public display of fireworks in accordance with Section 5608.

(h) This section shall not apply to the storage and handling of Safe and Sane fireworks in accordance with the California Building Code for Class 1.4G fireworks.

5602.3. *Definitions.*

(a) "Dangerous fireworks" shall include any items or materials listed as such in California Health and Safety Code, Section 12505.

(b) "Eligible organizations" means an organization or corporation, which has met all of the following criteria continuously for a minimum of one year preceding the filing of the application for a permit to display for sale or sell Safe

and Sane fireworks.

(i) The organization and/or corporation must be a duly organized non-profit and tax-exempt charitable, religious, civic, patriotic, or community service organization or corporation with a current and valid 26 U.S.C. Section 501(c)(3)(19) tax exemption from the Internal Revenue Service.

(ii) The organization must be headquartered within and clearly affiliated or identified with the City of Fresno.

(iii) The organization must be one which provides direct and regular community services and benefits to the citizens of the City of Fresno.

(iv) The organization must hold its regularly scheduled meetings within the City of Fresno.

(c) "Exempt fireworks" means any special item containing pyrotechnic compositions which the California State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, and agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

(d) "Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. These items include, but are not limited to:

(i) Devices designated by the manufacturer as fireworks.

(ii) Torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.

(e) "Host" means any person who either:

(i) Owns, leases, rents, or is otherwise in lawful possession of private property within the City of Fresno; or

(ii) Organizes, supervises, officiates, conducts, controls, or is otherwise in charge of the activity on the property.

(f) "Ineligible organizations" means an organization or corporation, which holds a permit to display for sale or sell Safe and Sane fireworks in the North Central Fire Protection District, Fig Garden Fire Protection District or County of Fresno area which is serviced by the City of Fresno Fire Department. It shall be the duty of the permit applicant to inform the Fresno Fire Department of any other permits held by the organization in any of the areas noted above.

(g) "Safe and Sane fireworks" means any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks." All Safe and Sane fireworks shall be labeled with the Safe and Sane fireworks seal as authorized by the California State Fire Marshal.

SECTION 55602.4. GENERAL PROHIBITION AGAINST POSSESSION, SALE, USE AND/OR DISPLAY OF FIREWORKS.

5602.4. *General Prohibition Against Possession, Sale, Use and/or Display of Fireworks.*

(a) Except as otherwise provided in this Article, no person shall possess,

sell, use, display, explode or discharge any fireworks within the City of Fresno.

(b) Except as otherwise provided in this Article, no Host shall permit the possession, sale, use, display, explosion or discharge of any fireworks on the Host's property, in a public right-of-way adjacent to the Host's property, or in a road, street, or highway adjacent to the Host's property, within the City of Fresno.

(1) Whenever a Host is present at the private property while another person violates a provision of this chapter, there shall be a rebuttable presumption that the Host knew or should have known of the violation.

(2) This provision shall not apply to a Host who initiates contact with law enforcement or fire officials to assist in removing any person from the property or terminating the activity in order to comply with this chapter, if the request for assistance is made before any other person contacts law enforcement or fire officials to complain about the violation of this chapter.

(c) Any person violating any of the provisions of this Section shall be guilty of a misdemeanor.

5602.5. *Safe and Sane Fireworks: Exceptions.*

(a) The sale and/or display of Safe and Sane Fireworks shall be permitted only during that period beginning at noon on June 28 and ending at noon on July 6 of the same year.

(b) Safe and Sane fireworks shall not be sold to any person under the age of sixteen (16).

(c) The use and discharge of Safe and Sane fireworks within the City of

Fresno is permitted 365 days a year, between the hours of 7:00 a.m. and 10:00 p.m., except for the period of June 28 to July 6 when use and discharge will be allowed between the hours of 7:00 a.m. and 12:00 a.m.

5602.6. Safe and Sane Fireworks Permits: Permits Required.

(a) It is unlawful for any person to sell Safe and Sane fireworks within the City of Fresno without a permit issued by the fire code official (or designee).

(b) The fire code official is authorized to promulgate administrative rules and procedures necessary for the successful and effective implementation of this Section including rules and procedures governing the submission of applications for permits to sell Safe and Sane fireworks, inspections of fireworks stands, operation of fireworks stands, and such regulations relating to the sale of Safe and Sane fireworks as may be necessary for the protection of life and property.

(c) The fire code official (or designee) shall be responsible for reviewing applications for permits to sell Safe and Sane fireworks.

5602.7. *Safe and Sane Fireworks: Applications.*

(a) All organizations or corporations interested in obtaining a permit to sell Safe and Sane fireworks shall submit an application to the fire department on forms provided by the fire department. There is a non-refundable application fee established by resolution of the City Council and set forth in the Master Fee Schedule. This application fee shall be in addition to any fee or tax imposed by any other chapter or article of the Fresno Municipal Code.

(b) The fire code official (or designee) shall designate the time period when applications will be accepted.

(c) No organization shall submit more than one application. Submittal of more than one application shall be grounds for denial of all applications submitted by that organization.

(d) There shall be allowed a maximum of one fireworks stand for every five thousand (5,000) population in the City. A maximum of fifty new stands will be issued permits on an alternating two-year cycle.

(e) Participants are selected by lottery, which shall take place at a time and location determined by the fire code official (or designee).

(f) The newly selected participants, as well as the previous year's participants, shall submit additional information as required by the fire department which shall be reviewed prior to issuance of any permits to sell Safe and Sane fireworks for the upcoming fireworks season.

5602.8. Safe and Sane Fireworks: Issuance of Permits.

(a) No permit to sell Safe and Sane fireworks shall be issued to any organization except non-profit and tax-exempt organizations or corporations organized primarily for charitable, religious, civic, patriotic, or community service as defined in Section 10-55602.3(b).

(b) Upon notification that the organization has been selected by lottery to participate in the upcoming fireworks season, each organization shall provide additional information as required by the fire department including, but not limited to:

(i) A non-refundable fee established by resolution of the City Council and set forth in the Master Fee Schedule. This fee shall be in

addition to any fee or tax imposed by any other chapter or article of the Fresno Municipal Code.

(ii) An executed Indemnification and Hold Harmless Agreement as required by the City's Risk Manager or the Risk Manager's designee.

(iii) Throughout the life of the permit, the applicant shall pay for and maintain in full force and effect policies of insurance as required by the City's Risk Manager or Risk Manager's designee. The policies of insurance shall name the City, its officers, officials, agents, employees and authorized volunteers as additional insured. The applicant shall submit proof of insurance in a manner authorized by the City's Risk Manager or Risk Manager's designee.

(iv) Other information as may be required by the fire department pursuant to administrative rules and procedures promulgated by the fire code official pursuant to Section 10-5502.6(b).

(c) Permits shall be issued upon review of all information submitted by the organization and inspection and approval of the organization's temporary fireworks stand.

(d) No permit shall be issued to an ineligible organization. In the event that a permit is issued to an ineligible organization, the permit shall be revoked immediately and shall be considered invalid. The ineligible organization shall cease the display and sales of Safe and Sane fireworks immediately.

5602.9. *Safe and Sane Fireworks*: Operator Safety Seminar. Each year, one or more representatives from each organization that is granted a permit to sell or display

fireworks shall attend a stand operator safety seminar conducted by the City of Fresno Fire Department or the fireworks industry. Failure of an organization to have a responsible individual attend the seminar shall result in the revocation of the permit.

5602.10. *Revocation of Permits.* The fire code official (or designee) may revoke the permit of any organization that violates the provisions of this Section or any rules or regulations promulgated pursuant to Section 10-53302.6(b). Notice of revocation shall be made in writing by the fire department to the organization. The fire code official (or designee) may reinstate a permit upon proof that the permit holder is in compliance with all provisions and rules pertaining to this Section.

5602.11. *Administrative Fines.* In addition to any other remedy available at law, any person or entity who possesses, uses, stores, sells and/or displays dangerous fireworks or any person or entity who possesses, uses, sells and/or displays Safe and Sane fireworks on or at dates, times, or locations other than those permitted by this Section, or any Host who permits any of the aforementioned upon the Host's property, in a public right-of-way adjacent to the Host's property, or in a road, street, or highway adjacent to the Host's property, are subject to an administrative fine as follows:

(a) For the first violation, Two Thousand Dollars ($2,000):

(b) For the second violation of this article within a rolling 12-month period, Three Thousand Dollars ($3,000);

(c) For the third or subsequent violation of this article within a rolling 12-month period, Five Thousand Dollars ($5,000).

5602.12. *Seizure of Fireworks.* The fire code official (or designee) shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks

offered or exposed for sale, stored or held in violation of this Section. Such seizure shall be subject to cost recovery in accordance with Section 109.5.

5602.13. Appeals.

(a) A citation issued for failure to comply with the provisions of this Section shall be appealed pursuant to Fresno Municipal Code, Chapter 1, Article 4.

(b) The denial of an application for a fireworks permit shall be appealed pursuant to Fresno Municipal Code, Chapter 1, Article 4. If no appeal is filed within the time prescribed, the action of the fire code official (or designee) shall be final.

(c) A minor and the parent(s) or guardian(s) having custody and control of said minor, are jointly and severally liable to the City for any administrative citation and/or penalty issued for failure to comply with the provisions of this Section.

(d) The administrative citation penalty may become a special assessment or a lien against the property of any person who is issued a citation for violation of the provisions of this Section. This shall include the property of a minor who is issued a citation and/or the property of the parent(s) or guardian(s) having custody and control of the minor or private property owner that allows the illegal use or storage on their property. The procedures set forth in Section 1-506 shall be followed for the imposition of a special assessment or lien.

SECTION 10-55601.3 PROHIBITION OF EXPLOSIVES.

5601.3 *Prohibition of Explosives*. The possession, storage, use and handling of explosives are prohibited within the limits established by law.

Exception:

1. Storage and sale of small arms ammunition, small arms primers, smokeless powder and black sporting powder in accordance with Title 19, Chapter 10, Article 12 of the California Code of Regulations and Section 307 of the California Building Code.

2. Where permitted by the fire code official

FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 10-55704.2.9.6.1. LOCATIONS WHERE ABOVE-GROUND TANKS ARE PROHIBITED.

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 shall be in accordance with the protected above-ground tank provisions of Section 2306.2.3.

Exceptions:

1. Bulk plants and terminals.

2. Refineries.

3. Standby generators with integral base tanks for Class II liquids when installed per Fire Department Policy and approved by the fire code official.

4. For above-ground tanks at farms and construction sites, see FMC 10-55706.2.4

SECTION 10-55704.3.5.1. BASEMENT STORAGE.

5704.3.5.1. *Basement Storage.* Class I liquids shall not be stored in basements. Class II and IIIA liquids shall be allowed to be stored in basements,

provided that automatic sprinkler system and other fire protection systems and features are provided in accordance with Chapter 9.

SECTION 10-55706.2.4. PERMANENT AND TEMPORARY TANKS.

5706.2.4. *Permanent and Temporary Tanks.* The aggregate capacity of permanent and temporary above-ground tanks containing Class I and II liquids shall not exceed 1,100 gallons (4163.9L). Tanks shall be constructed in accordance with Section 5704.2 (et. al).

Exception: Protected above-ground tanks meeting the requirements of Section 2306.2.3.

LIQUIFIED PETROLEUM GASES

SECTION 10-56101.3. CONSTRUCTION DOCUMENTS.

6101.3. *Construction Documents.* Where a single LP-gas container or the aggregate of LP-gas containers is more than 125 gallons in water capacity, the installer shall submit construction documents to the fire code official for such installation.

APPENDIX B

FIRE-FLOW REQUIREMENTS FOR BUILDINGS

SECTION 10-50B103.4. ADDITIONAL MODIFICATIONS.

B103.4 *Additional Modifications.* The fire code official is authorized to make additional modifications to fire-flow requirements for any building, or group of buildings, provided the modifications meet the intent of this code and are supported by the water system capability of the water purveyor. This section does not permit, and shall not be used for, waiving provisions of this code for required fire flow.

APPENDIX C

FIRE HYDRANT LOCATIONS AND DISTRIBUTION

SECTION 10-50C103.4. ADDITIONAL MODIFICATIONS.

C103.4. *Additional Modifications.* The fire code official is authorized to make additional modifications to the number of fire hydrants, fire hydrant spacing and fire hydrant location requirements, provided the modifications meet the intent of this code and are supported by the water distribution system. This section does not permit, and shall not be used for, waiving provisions of this code related to the number of fire hydrants, or fire hydrant spacing and location requirements.

APPENDIX D

AERIAL FIRE APPARATUS ACCESS ROADS

SECTION 10-50D105.1 WHERE REQUIRED.

D105.1 *Where required*. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

Exception: Where approved by the fire code official, buildings of Type IA, Type IB or Type IIA construction equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 as amended and having fire fighter access through an enclosed stairway with an unencroached width of 44" and with a Class I standpipe from the lowest level of fire department vehicle access to all roof surfaces.

D105.2 *Width*. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof and as approved by the fire code official.

D105.3 *Proximity to building*. One or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

D105.4 *Obstructions*. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed only after approval of the fire code official.

(PART 2.5 2025 California Residential Code)

SECTION 10-5R309 AUTOMATIC FIRE SPRINKLER SYSTEMS.

R309.0 *Additional requirements.* The additional requirements found in Section 10-50903 et. al. in the Fresno Municipal Code, and as applicable to Group R buildings, including one and two family dwellings, and including existing buildings and structures, shall be considered part of this Code.

SECTION 10-5R329 SOLAR ENERGY SYSTEMS.

R329.4 *Rooftop-mounted photovoltaic systems.* Rooftop-mounted photovoltaic panel systems installed on or above the roof covering shall be designed and installed in accordance with this section, the California Electrical Code, and Fresno Municipal Code Section 10-501205.1, et. al.

R329.5 *Building-integrated photovoltaic systems.* Building-integrated photovoltaic systems that serve as roof coverings shall be designed and installed in accordance with this section, Section R905, the California Electrical Code, and Fresno Municipal Code Section 10-501205.1, et. al.

(PART 8 2025 California Historical Building Code)

SECTION 10-58-103. HISTORIC BUILDINGS.

8-103.3. *Liability.* Prevailing law regarding immunity of building and fire officials is unaffected by the use and enforcement of the CHBC.

8-104.4. *Local agency fees.* The City and any local agencies, when involved in the appeal, may also charge affected persons reasonable fees not to exceed the cost of obtaining reviews and appeals from the Board.

8-302.1. *Existing use*. The specific use or character of occupancy of a qualified historical building or property, or portion thereof, may be permitted to continue in use regardless of any period of time in which it may have remained unoccupied or in other uses, provided such building or property otherwise conforms to all applicable requirements of the CHBC.

8-302.2. *Change in occupancy.* The use or character of the occupancy of a qualified historical building or property may be changed from or returned to its historical use or character, provided the qualified historical building or property conforms to the requirements applicable to the new use or character of occupancy as set forth in the CHBC and Fresno Municipal Code sections 10-50903.1 through 10-50903.6. Such change in occupancy shall not mandate conformance with new construction requirements as set forth in regular code.

SECTION 4. 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 Fresno hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, regardless of any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

* * * * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2025
Mayor Approval/No Return: _____, 2025
Mayor Veto: _____, 2025
Council Override Vote: _____, 2025

TODD STERMER, MMC
City Clerk

By: _____
Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Daniel E. Casas Date
Senior Deputy City Attorney