

ORDINANCE NO. 2013-13

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING CHAPTER 11 OF THE ESCONDIDO
MUNICIPAL CODE, TO ADOPT THE 2013
CALIFORNIA FIRE CODE, THE COUNTY OF
SAN DIEGO 2011 CONSOLIDATED FIRE CODE
AND LOCAL AMENDMENTS

WHEREAS, the State of California Building Standards Commission is charged with the development of uniform codes and regulations for application to the construction of buildings within the state; and

WHEREAS, California Health and Safety Code Section 17960 requires the City enforce within its jurisdiction all the provisions published in the State Buildings Standards Code and the provisions of other rules and regulations promulgated pursuant to the provisions of the California Health and Safety Code pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, or arrangement of apartments, hotels or dwellings; and

WHEREAS, every three years the California Building Standards Commission updates and adopts uniform codes for application throughout the state; and

WHEREAS, California Health and Safety Code Section 17958.7 allows local amendments to the California Building Standards Codes, when such codes are amended and adopted at the local level, and when local findings are made for unique climatic, geological or topographical conditions and Exhibit A to the associated staff report includes local findings; and

NOW, THEREFORE, the City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That Escondido Municipal Code Chapter 11, Article 2, Fire Prevention, Division 1, Generally, Section 11-15 is repealed and replaced to read as follows:

Fire Codes Adopted; copies on file.

The following technical codes are adopted by the City of Escondido:

- (a) The 2013 California Fire Code, California Code of Regulations, Title 24, Part 9, excluding section 103.2 and including the Appendix to Chapter 4 and Appendices B, BB, H and I.
- (b) The County of San Diego 2011 Consolidated Fire Code as published in Title 9 of the San Diego County Regulatory Ordinances. Any specific reference in the adopted Consolidated Fire Code to the regulatory authority of the County of San Diego shall be replaced with the City of Escondido.
- (c) The Fire Marshall shall maintain copies of the California Fire Code, the County of San Diego Consolidated Fire Code and the City of Escondido amendments and make copies available for public review at the Police and Fire Department Headquarters.

SECTION 2. That Escondido Municipal Code Chapter 11, Article 2, Fire Prevention, Division 1, Generally, Section 11-16 is repealed and replaced to read as follows:

California Fire Code Amendments.

- (a) The City of Escondido amends the 2013 California Fire Code, Chapter 3, General Requirements, to add Sections 319 and 319.1 to read as follows:

Section 319 - Mid-Rise Buildings

Section 319.1. A Mid-Rise Building shall meet the requirements of a High-Rise Building except for the following: Secondary Water Supply Section 903.3.5.2, Stand-by Power System 604.2.15.1. Buildings three stories or more shall meet the requirements of a mid-rise building with regard to sprinkler systems. Standpipe systems, vertical or horizontal may be

required with regard to access or project design. Variations to the system design will need the approval of the fire code official.

(b) The City of Escondido amends the 2013 California Fire Code, Chapter 5, Fire Service Features, by the addition of the following sections to read:

Section 503.2.1.1 Vertical Clearance Exception: Upon approval by the Fire code official, vertical clearances or width may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

Section 503.2.1.2- Road Phasing Policy For Single Family Dwellings on Existing Legal Parcels: The fire access roadway requirement for widening existing improved fire apparatus roadway shall be per Table 503.2.1.1A “Phasing Policy - Fire Apparatus Access” and will extend from the property out to the nearest public road.

TABLE 503.2.1.1A - PHASING POLICY:

Fire Apparatus Access—Single Family Dwellings

Number of Parcels	Unobstructed Road Width	Roadways Over 600 ft. Long	Extend to Nearest Public Road
1	16-foot, paved	Turnouts every 400 feet	Yes
2	20-foot, paved	Turn-outs every 400 feet	Yes
3-8	24-foot, paved	Turn-outs every 400 feet	Yes
9 or more	24-foot, paved	Not required	Yes

Auxiliary structures (non-habitable) and residential additions/remodels less than 500 square feet: The access roadway will not be required to be improved if the access roadway has already been improved to a minimum width of 20 feet. If the roadway is not 20 feet, then the roadway shall be widened per Table 503.2.1.1A – Phasing Policy – “Fire Apparatus Access,” but not greater than 20 feet. The preceding addition/remodel exception is limited to one permit (addition or remodel) per three-year period from the date of the last permit approval.

Section 503.2.3.1 – Imposed Loads: For properties relying on City of Escondido fire apparatus access the imposed loads of fire apparatus not less than 75,000 lbs, unless authorized by the FAHJ.

Section 507.2.3 -- Fire flow. In setting the requirements for fire flow, the fire code official may be guided by Section 507.3 and by Appendix B of this Code, or by the standard published by the Insurance Services Office, “Guide for Determination of Required Fire Flow.”

Section 507.5.1.1.1 - Requirements for Single-Family Dwellings: In projects zoned for single family dwellings, fire hydrants shall be installed every 500 feet in accordance with City of Escondido design standards and standard drawings.

Section 507.5.1.1.2 - Requirements for Multi-Family Dwellings: In multi-family zones and in commercial and industrial zones, fire hydrants shall be installed at intersections, at the beginning radius of cul-de-sacs, and every 300 feet of fire access roadways.

Exception: When improved methods of fire protection are provided, beyond those required by the Code, and accepted by the fire code official, adjusted spacing of fire hydrants from those set forth above may be considered.

(c) The City of Escondido amends the 2013 California Fire Code, Chapter 6, Building Services & Systems, by the addition of the following section to read:

Section 603.8.1 - Residential Incinerators shall be prohibited.

(d) The City of Escondido amends the 2013 California Fire Code, Chapter 9, Fire Protection Systems, by the addition of the following sections to read:

Section 903.1.2 - Life Safety Sprinkler Systems: Life safety sprinkler systems shall meet National Fire Protection Association Standards 13, 13-D or 13-R, and City of Escondido installation policies as appropriate.

Section 903.2.8.2 – Group R Additions: An automatic sprinkler system installed in accordance with Section 903.3 may be required to be installed throughout structures when the addition is more than 50% of the existing building, by square foot, or when the altered buildings will exceed a fire flow requirement of 1,500 gallons per minute. The fire code official may require an automatic sprinkler system be installed in buildings where no water main exists to provide the required fire flow or where a special hazard exists such as: poor access roads, grade and canyon rims, hazardous brush, and response times greater than 5 minutes by fire departments.

(e) The City of Escondido amends the California Fire Code, Chapter 47, Requirements for Wildland-Urban Interface Fire Areas, by the addition of section 4907.1.2 to read:

Section 4907.1.2 - Structure Setbacks from Top of Slope: A single story structure shall be setback a minimum 15 feet (4,572 mm) horizontally from top of slope to the farthest projection from a roof. A single story structure shall be less than 12 feet above grade. A two story structure shall be setback a minimum of 30 feet (9,144 mm) measured horizontally from top of slope to the farthest projection from a roof. Structures greater than two stories may require greater setback, which is based upon a 2 to 1 slope.

(f) The City of Escondido amends the California Fire Code, Chapter 56, Explosives and Fireworks, by the addition of the following sections to read:

Section 5601.2 - Applicability: This Section shall apply to the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents, and to any blasting operation unless the blast is determined to be a minor blast, in which case the inspection requirements of this amended article shall not apply. The fire code official shall determine if the blast is minor. Persons conducting major blasting shall comply with all the requirements of this article as amended.

Section 5601.2.1 - Definitions: The following words and terms shall, for the purposes of this Section and as used elsewhere in this code, have the meanings shown herein.

Blaster: A blaster who has been approved by the fire code official to conduct blasting operations in the City of Escondido and who has been placed on the list of approved blasters. Such listing shall be valid for a period of one (1) year unless revoked by the authority having jurisdiction.

Blasting Agent: A material or mixture consisting of a fuel and oxidizer intended for blasting. The finished product as mixed and packaged for use or shipment cannot be detonated by means of a No. 8 test blasting cap when unconfined.

Blasting Operation: The uses of an explosive device or explosive material to destroy, modify, obliterate, or remove any obstruction of any kind.

Blasting Permit: A permit issued by the fire code official of the fire department serving the jurisdiction, pursuant to Section 105.6.14 of the California Fire Code, and shall apply to a specific site. This permit shall be valid for a period not to exceed one (1) year.

Blasting Site: A geographically defined area where blasting may occur. It shall be shown on a project map or plot plan. Major blasting operations shall be conducted only within such defined areas. Distances for inspection and notification purposes shall be measured from all specific blast locations on a project site.

Explosives Permit: A permit issued by the Sheriff pursuant to Section 12000, et seq., of the California Health and Safety Code and Chapter 33 of the California Fire Code. An explosives permit shall be valid for a period not to exceed one (1) year, as designated by the Sheriff and may impose conditions on the permittee and his operations up to the point of actual use. In addition to this permit, a blasting permit is also required for the actual act of blasting.

Inspector: Means a state certified building inspector, a civil engineer, an architect, or other qualified individual who has been approved by the Fire Chief to conduct pre and post blast inspections in conjunction with blasting operations in the City of Escondido.

Major Blasting: A blasting operation not qualifying as minor blasting.

Minor Blasting: A blasting operation that meets all of the following criteria:

1. Quantity of rock to be blasted does not exceed one hundred (100) cubic yards per shot
2. Bore hole diameter does not exceed two inches (2")
3. Hole depth does not exceed twelve feet (12')
4. Maximum charge weight does not exceed eight (8) pounds of explosives per delay
5. The initiation of each charge will be separated by at least 10 milliseconds.

The maximum charge weight shall not exceed the Scaled Distance as shown below:

Distance from Blast Site (In Feet)	Scale Distance (Factor)
0 – 300	Mandatory Seismic Monitoring
301 - 5,000	55
5,000+	65

Sheriff’s Authorized Representative: The fire code official serving the jurisdiction.

Section 5601.2.2 - Blasting Permits

1. All blasting operations within the City of Escondido are prohibited unless a Certificate of Authorization is first obtained from the Escondido Fire Department.
2. No Blasting Permit shall be granted or obtained unless the following conditions listed below are met to the satisfaction of the Fire Department:
 - a. The blaster shall obtain an explosive permit from the San Diego County Sheriff's Department and copy thereof shall be placed on file with the Escondido Fire Department.
 - b. The blaster shall obtain a business license from and issued by the Business License Division of the City of Escondido and a copy thereof placed on file with the Escondido Fire Department.
 - c. The property owner/developer or general contractor shall obtain liability insurance covering the blaster's activities in the minimum amount of \$1 million for property damage and \$1 million for bodily injury. The property owner/developer or general contractor's insurance company shall file a copy of insurance policy with the Escondido Fire Department. In addition, the blaster shall have liability insurance, for property damage, and bodily injury in the minimum amount of \$1 million each for each blasting operation. A copy of the insurance policy of the blaster shall be filed with the Escondido Fire Department. The City of Escondido shall be named as an additional insured party.
 - d. The blaster's qualifications shall be reviewed by the fire code official. Approval shall be based upon a review of the blaster's qualifications, past safety record, and his or her history of complaints of job performance. Failure on the part of the blaster to comply with the terms and conditions under which approval is granted may result in revocation of the Blasting Permit and penalties pursuant to Section 77.508.
 - e. The blaster shall provide authorization from the property owner for all blasting operations.
 - f. In order to ensure public safety, it is the blaster's responsibility to ensure compliance with United States Bureau of Mines and the California Department of Health and Safety (CALOSHA) standards.
3. It shall be unlawful and a violation of this code for any person, firm, corporation, blaster, contractor to provide false or misleading information or documentation to the City of Escondido or any of its departments or the public during any phase of the permit process or blasting operations.
4. Additional fire department conditions are as follows:

- a. For any blasting operations outside the Escondido City limits that are conducted in conjunction with projects within the City of Escondido, blasters are required to comply with blasting regulations of neighboring jurisdictions.
 - b. The Escondido Fire Department may impose such additional conditions and procedures as it deems are necessary to protect the public health, safety and welfare based upon the peculiar and individual facts and circumstances of a particular blasting operation. The Fire Department shall provide the blaster with the additional conditions or procedures in writing and the blaster shall comply with those requirements until such time as the Fire Department is satisfied that the conditions are no longer required and cancel the additional requirements.
5. Blasting Permit Repository and Renewal.
- a. The Blasting Permit shall be kept on file with the Escondido Fire Department's Fire Prevention Bureau. A copy of the Blasting Permit shall be retained by the general contractor or property owner/developer and by the blaster and shall be available at the job site for public or official inspection at all times during blasting operations.
 - b. Blasting Permits shall be cancelled with the Fire Department when a blaster completes or discontinues, for thirty (30) consecutive days, blasting operations at a construction site. Said permit must be renewed before any blasting operations are continued or resumed.
 - c. Blasting Permit(s) for different blasters at the same site will require pre and post blast inspections as required for each blaster.

Section 5601.2.3 - Blasting Operation Procedures

Section 5601.2.3.1 - Major Blasts:

1. Notification: It is the City's intent to provide notification of the likelihood for blasting as early as possible. Whenever possible, based on information received, for projects requiring a public notice (Public Hearing, Environmental Review and/or Intended Decision Notice), said notices shall indicate whether blasting may occur in conjunction with the proposed development. In the event blasting does occur, additional notice shall be required as follows:
 - a. Prior to the issuance of a Blasting Permit, the general contractor or property owner/developer or blaster shall give a reasonable notice in writing, but not less than one week prior to the blasting occurrence, to owners, tenants and/or occupants of all residences (including mobile homes), businesses and structures within 600

feet of any potential blast site. The notice shall be in a form approved by the Fire Chief, and shall include, but not limited to, the following:

- i. A statement indicating that the notice is given as part of the permitting/development process.
- ii. The location, address, and type of development.
- iii. The anticipated date and duration of blasting operations.
- iv. The name, address and telephone number of the blaster and/or developer as well as the Fire Department contact person's name, address and telephone number.
- v. A radius map which shows the project location, the anticipated location of potential blasting operations, and the properties located within 300 feet and 600 feet from the Blast Site as defined under Section 7705.2.
- vi. A disclosure statement outlining pre-blast and post-blast inspection procedures, timing and the time frame during which requests for pre-blast advanced notice and post-blast inspection and damage assessment complaints must be filed with the Fire Department.

The general contractor or property owner/developer shall be responsible for the preparation of the notice and the notification list, and shall provide the Fire Department with proof of notification prior to issuance of a Blasting Permit.

Any resident or business receiving such notice may request of the Fire Department that the blaster give a 24-hour advance notice of impending blast on a given day. The advanced notice shall specify the dates and estimated times of scheduled blasting operations. A subsequent advance notice shall be provided if blasting operations discontinue for a period exceeding 48 hours. The general contractor or property owner/developer shall obtain the advanced notification list of residents or businesses from the Fire Department, and shall make every reasonable effort to contact any and all parties requesting the 24-hour advance notice.

2. General Requirements:

- a. The blaster shall provide the Fire Department with a minimum 24-hour notice prior to the commencement of any blasting operation.
- b. Blasting shall only be permitted between the hours of 9:00 a.m. and 4:00 p.m. during any weekday, Monday through Thursday, unless special circumstances warrant another time or day and special

approval is granted by the Fire Chief based on consideration of the blasting operations potential impact on the surrounding properties and demonstrated compliance with the Noise Ordinance (Article XII. Noise Abatement Control).

- c. If a Fire Department witness is desired, arrangement shall be made at least 12 hours prior to the blast. Confirmation shall be made to the Fire Department no less than one hour prior to the blast. The Fire Department may then assign a Department member to be present and observe the blast at their discretion. A representative of the Fire Department may also be present during the blasting operation without any prior notice to the blaster.
- d. All blasting operations shall be monitored by an approved seismograph located at the nearest man-made structure. All daily seismograph reports shall be forwarded to the Fire Department by the end of the business week.

Exception: Public Utility Companies are not required to seismographically monitor minor blasting operations.

3. Pre-blast Inspections.

- a. Inspections of all man-made structures (including mobile homes) within 300 feet of a major blast site shall be made before blasting operations. The inspection shall be for the purpose of determining the existence of any visible or recognizable preexisting defect or damages in any structure. The inspection shall also identify all existing operating wells on site for documentation purposes only. Waiver of such inspection shall be in writing by owner(s), and persons who have vested interest, control, custody, lease or rental responsibility of said property or their legally recognized agent.
- b. The person(s) inspecting shall obtain the permission of the building owner prior to conducting the inspection.
- c. The inspections shall be performed by an approved blast inspector per Section 7705.2.
- d. The inspector shall file with the Fire Department, a summary report identifying address, occupant and/or owner's name, time and date of inspections. The summary report shall also include inspection waiver signed by property owner or owner's agent, with an explanation as to why an inspection of a specific structure was not made. This summary and waiver report shall be signed by the inspector and filed with the Fire Department prior to blasting operation.

- e. The blaster shall permit the Fire Department personnel to inspect the site and blast materials or explosives at any reasonable time.
- 4. Post-blast Inspections.
 - a. Post-blast inspections shall be required upon receipt of a written complaint to the Fire Department by the person in charge of the property alleging property damage due to blasting operations. For complaint received within one year of completion of blasting operations, the Fire Department shall forward a copy of the written complaint to the contractor and/or blaster. In no way does this relieve the blaster and/or the developer of their legal obligations toward the complainant.
 - b. Said inspection shall be conducted and reports filed with the Fire Department and the complainant within 30 days of receipt of complaints.

Section 5601.2.3.2 - Minor Blasts:

- 1. Notification: Prior to issuance of a Blasting Permit, the general contractor or property owner/developer or blaster shall give a reasonable notice in writing, but not less than 12 hours prior to the blasting occurrence, to all residences (including mobile homes), businesses or structures on contiguous properties or at the discretion of the Fire Department. The notice shall be in a form approved by the Fire Chief, and shall include, but not be limited to, the following:
 - a. A statement indicating that the notice is given as part of the permitting/development process.
 - b. The location, address, and type of development.
 - c. The anticipated date and the estimated duration of blasting operations.
 - d. The name, address and telephone number of the blaster and/or developer as well as the Fire Department's contact person's name, address and telephone number.
- 2. General Requirements: All blasting operations shall be monitored by an approved seismograph located at the nearest man-made structure. All daily seismograph reports shall be forwarded to the Fire Department by the end of the business week.

Exception: Public Utility Companies are not required to seismographically monitor blasting operations for minor blasts.

Section 5601.2.4 - Blasting Hours: Blasting shall only be permitted between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday, unless special circumstances warrant another time or day and special approval is granted by the fire code official.

Section 5601.2.5 - Violations and Penalties: The fire code official, issuing authority, or peace officer may seize, take, remove or cause to be removed at the expense of the owner all explosives, ammunition or blasting agents offered or exposed for sale, stored, possessed or transported in violation of this article. In addition:

1. Any person violating or causing the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000.00 or by imprisonment in the County jail for six (6) months, or by both fine and imprisonment.

2. It shall be unlawful and a violation of this ordinance for any person to provide false or misleading information or documentation to the County of San Diego or any of its officers or employees or to any jurisdiction having authority during any phase of the explosives or blasting permit process or blasting operations.

3. In addition to the penalties provided in Paragraph 1 of this Section, any conditions caused or permitted to exist in violation of the provisions of this ordinance or in violation of the conditions of an explosives or blasting permit shall be deemed a public nuisance, and may be abated by the County as such or remedied in court in any manner provided by law.

4. The general contractor or owner/developer shall be responsible for compliance with all provisions of this ordinance.

Section 5601.2.6 - Fee Structure: A blaster and inspector shall pay a fee to the Sheriff upon being designated an approved blaster or inspector. Fees shall also be charged for issuance of a blasting permit to conduct blasting operations within the City of Escondido. The amount of said fees shall be determined by City of Escondido on the basis of the full costs involved in processing said permits.

SECTION 3. That Escondido Municipal Code Chapter 11, Article 2, Fire Prevention, Division 1, Generally, Section 11-20 repealed and replaced to read as follows:

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the adopted technical codes do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may

appeal the decision to the building advisory appeals board. The appeal must be initiated within ten (10) days from the act, decision or interpretation which is the subject of the appeal.

SECTION 4. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.