

**MENLO PARK FIRE PROTECTION DISTRICT
ORDINANCE NO. 52-2022
DISTRICT FIRE PREVENTION CODE**

AN ORDINANCE OF THE MENLO PARK FIRE PROTECTION DISTRICT ADOPTING BY REFERENCE THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE WITH THE 2022 CALIFORNIA FIRE CODE AMENDMENTS INCLUDING ALL ADOPTED STANDARDS AND LOCAL FINDINGS AND MODIFICATIONS AS SPECIFIED PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS, OR EXPLOSION, AND FOR PROVIDING THE FIRE SAFETY INSPECTION PROCESS FOR HAZARDOUS USES OR OPERATIONS, AND ESTABLISHING A BUREAU OF FIRE PREVENTION.

WHEREAS, pursuant to Title 24 of the California Code of Regulations, also known as the California Building Standards Code (“CBSC”) and California Health and Safety Code Section 13869 *et seq.*, a fire protection district may adopt a fire prevention code by reference and may also, when reasonably necessary due to local climatic, geological or topographical conditions, establish more stringent local building standards relating to fire and safety than those set forth in the CBSC; and

WHEREAS, pursuant to California Health and Safety Code sections 18941.5 and 17958, the Menlo Park Fire Protection District hereby finds that the amendments adopted herein are reasonably necessary because of local climatic, geologic, and topographic conditions; and

WHEREAS, in accordance with Health and Safety Code Section 17958.7, the Menlo Park Fire Protection District hereby finds that the findings attached and incorporated as Exhibit A are applicable to the modifications described in this Ordinance; and

WHEREAS, the Menlo Park Fire Protection District is required to formally adopt a Fire Code, and to comply with California Health and Safety Code Sections, 13143.5, 13145, and 13146, for the enforcement provisions of the California Fire Code; and

WHEREAS, the Menlo Park Fire Protection District (the “District”) now desires to adopt by reference an amended and restated District Fire Prevention Code that makes local amendments to the 2022 Edition of the California Fire Code based upon the 2021 Edition of the International Fire Code, and

WHEREAS, this Ordinance was introduced and was adopted after the holding of a public hearing pursuant to California Health and Safety Code Section 13869.7 and California Government Code Section 50022.3.

NOW, THEREFORE, the Board of Directors of the Menlo Park Fire Protection District ordains as follows:

SECTION 1: TITLE, ENFORCEMENT & RECORDKEEPING

This set of regulations, including provisions adopted and incorporated by reference, shall be known as the "District Fire Prevention Code" of the Menlo Park Fire Protection District ("the District") and may be cited as such. It is also referred to as the "Fire Code" in these regulations.

- A. No section of the Fire Prevention Code shall impose a mandatory duty of enforcement on the Fire District, or on any officer, official, agent, employee, board, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, said section shall be deemed to invest the Fire District, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.
- B. A copy of the Fire Prevention Code, as defined herein, shall be kept on file in the office of the Menlo Park Fire Protection District Fire Marshal.

SECTION 2: AUTHORITY

The District Fire Prevention Code is adopted pursuant to the Fire Protection District Act of 1987 (California Health and Safety Code Sections 13800 *et seq.*) and in particular the following provisions of that Act:

- A. Section 13861(h), which empowers the District to adopt ordinances;
- B. Section 13861(i), which empowers the District to establish and enforce rules and regulations for the administration, operation and maintenance of the governmental services which it is authorized to provide;
- C. Section 13862, which empowers the District to provide certain governmental services including fire protection services;
- D. Section 13869, which empowers the District to adopt a fire prevention code by reference; Section 13870, which empowers the District's authorized representatives to order correction or elimination of fire and life hazards;
- E. Section 13871(b), which provides that failure to correct or eliminate a fire or life hazard after a duly issued order is a misdemeanor;
- F. Section 13872, which empowers the District's authorized representatives to issue citations for certain violations;
- G. Section 13873, which provides that the District's employees shall have the powers of peace officers while engaged in the prevention and suppression of fires and the preservation of life and property; and,
- H. Sections 13916, 13917, 13918 and 13919, which, among other things, empower the District's Board of Directors to charge a fee to cover the cost of any services, which the District provides and the cost of enforcing any regulation for which a fee is charged.

SECTION 3: ADOPTION BY REFERENCE

- A. The Menlo Park Fire Protection District hereby adopts the 2022 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2021 International Fire Code published by the International Code Council]), with California Amendments as amended, including Appendix D except to the extent portions of the CFC may be added, deleted, modified or amended by Section 6 (Local Amendments) of this Code. The 2022 California Fire Code, with the changes, additions, and deletions set forth this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of the fire code are controlling and enforceable within the limits of each town or city within the jurisdiction of the District.

- B. The 2022 California Fire Code (CFC), California Code of Regulations, Title 24, Part 9, adopting the 2021 International Fire Code of the International Code Council with necessary California amendments, together with the non-building standards reproduced therein except otherwise provided by this ordinance, are adopted by reference as the Fire Code of the Menlo Park Fire Protection District. This Code including all amendments thereto, shall hereafter be called the “Fire Code,” and/or this “Code” and are adopted as and for the rules, regulations, and standards within the Jurisdiction as to all matters therein, except otherwise provided.

SECTION 4: AUTHORITY AND DUTIES OF THE BUREAU OF FIRE PREVENTION AND LIFE SAFETY

The California Fire Code, including California Fire Code Standards as adopted and amended herein, shall be enforced by the Menlo Park Fire Protection District and managed by the Bureau of Fire Prevention and Life Safety, and shall operate under the direction of the Fire Chief and the Fire Marshal of the Menlo Park Fire Protection District. Both Fire Officers shall be known as the Fire Code Officials.

SECTION 5: LOCAL AMENDMENTS, MODIFICATIONS AND DELETIONS TO THE CALIFORNIA FIRE CODE

Based upon the findings of the Board of Directors of the Menlo Park Fire Protection District regarding local climatic, topographical, and geological conditions, the following sections and/or subsections of the 2022 California Fire Code and the 2021 International Fire Code are amended or modified as set forth in this section. If a section is not referenced below, it remains unchanged.

SECTION 101: SCOPE AND GENERAL REQUIREMENTS, AMENDED

101.1 Title. These regulations shall be known as the 2022 CALIFORNIA FIRE CODE, and with amendments adopted by the Menlo Park Fire Protection District, will be referred to herein as the “CODE,” and/or the “FIRE PREVENTION CODE.”

101.6 Standards and Guidelines Manual is *added* to read as follows:

101.6 Standards and Guidelines Manual. The Bureau of Fire Prevention and Life Safety Standards and Guidelines Manual (“Standards and Guidelines Manual”) shall serve as a supplemental instruction and interpretation manual for the Fire Prevention Code and is hereby adopted by reference. The Fire Marshal is responsible to amend this manual as necessary to maintain current instructions and interpretations. The information contained within the Standards and Guidelines Manual shall not be construed to make new code requirements not authorized by this ordinance.

SECTION 102.6 HISTORIC BUILDINGS is added and amended to read as follows:

102.6 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 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 the California Historic Building Code.

SECTION 103.1 CREATION OF AGENCY. ADDED and AMENDED

[A] 103.1.1 Creation of agency. The Menlo Park Fire Protection District Bureau of Fire Prevention and Life Safety is hereby created and the 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.

SECTION 107 FEES IS ADOPTED AND AMENDED

107.1 The fees for the permits and other services shall be established by resolution of the Menlo Park Fire Protection District Fire Board Fee Schedule (“Fee Schedule”). The fee shall be set to cover the cost of the Fire District to review and inspect the intended activities, operations or functions.

Exception: Fees for a permit may be waived at the discretion of the Fire Chief when the work or event to be conducted is for the Town of Atherton, City of East Palo Alto, City of Menlo Park or County of San Mateo.

107.2 Schedule of permit fees. Where a permit or other inspection fee is required, a fee for each permit shall be paid as required, in accordance with the Menlo Park Fire Protection District Fee Schedule.

SECTION 111 MEANS OF APPEALS. AMENDED

111.1 Board of Appeals. All decisions and rulings of the Fire Code Official are final and any appeals shall be made through the legal process.

SECTION 112 VIOLATIONS is *amended* to read as follows:

SECTION 112.4 Violation Penalties is added and *amended* to read as follows:

112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1000 or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

112.4.1 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 stop an illegal act, conduct of business or occupancy of a structure on or about any premise.

SECTION 202 GENERAL DEFINITIONS. AMENDED

All Weather Driving Surface. A roadway designed to carry the imposed weight loads of fire apparatus complete with all underground utilities, curbs, gutters, and a minimum surface finish of one layer of asphalt or concrete or road pavers.

Essential Service Facility. Shall mean that building or structure which has been designated by the local government to house facilities that are necessary for emergency operations.

Fire Code Official. The fire code official shall mean the District's Fire Chief, employees of the District's Fire Prevention and Fire Suppression Divisions and such other representatives of the District as may be authorized by the Menlo Park Fire District Board of Directors or the Fire Chief.

Floor Area, Gross. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

Areas to be included in the new gross floor area square footage calculation include:

1. Garages or carports if under a habitable space, or covers egress
2. New attached garage
3. All additions
4. Total square footage of any room that received alterations or additions. Removing sheetrock exposing structural framing or any structural change in a room involves the total square footage of that room.

Existing square footage shall be obtained from the San Mateo County Tax Assessor's Office or may be submitted by a licensed architect.

Jurisdiction. Jurisdiction shall mean the territorial boundaries of the Menlo Park Fire Protection District. In that case "Jurisdiction" would mean, as appropriate, the County of San Mateo, the City of East Palo Alto, the City of Menlo Park and the Town of Atherton. The Fire District's map book shall be adopted by reference to indicate the territorial boundaries of the Menlo Park Fire Protection District.

Except where in the code the term "jurisdiction" is used in a context which implies the ability to exercise governmental powers, such as "the authority having jurisdiction," then in that context "jurisdiction" shall mean the particular public agency authorized to and exercising that governmental power.

Local Law Enforcement. Local law enforcement" shall mean the local police departments of the City of East Palo Alto, the City of Menlo Park, the Town of Atherton, the San Mateo County Sheriff's Department, and the California Highway Patrol.

Substantial Alteration. The renovation of any structure and/or which combined with any additions to the structure, affects a *gross floor area* which exceeds fifty percent (50%) of the existing floor area of the structure. This may include but is not limited to:

1. Removal of exterior walls and/or roof assembly

When any structural changes are made to the building, such as walls, columns, beams or girders, floor or ceiling joists and covering, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by the changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

SECTION 308.3.2 THEATRICAL PERFORMANCES. ADDED AND AMENDED

308.3.2 Theatrical performances. Where approved, open-flame devices used in conjunction with theatrical performances are allowed to be used where adequate safety precautions have been

taken in accordance with NFPA 160 and Title 19 CCR.

SECTION 324 MOBILE FOOD PREPARATION VEHICLES. ADOPTED AND AMENDED

324.1 Health department approval. Mobile food preparation vehicles shall display a San Mateo County health apartment sticker as prescribed by County health.

SECTION 403.11 SPECIAL REQUIREMENTS FOR PUBLIC SAFETY ADDED IN ITS ENTIRETY.

403.11 Special requirements for public safety. Special requirements for public safety shall be in accordance with Sections 403.11.1 through 403.11.3.3.

CHAPTER 5 IS ADOPTED IN ITS ENTIRETY AND AMENDED.

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter, and appendix D.

SECTION 503 BUILDINGS AND FACILITIES is added in entirety and *amended* to read as follows:

SECTION 503.1 is *added and amended* to read as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and according to The Bureau of Fire Prevention and Life Safety Standards and Guidelines Manual.

SECTION 503.1.1 BUILDINGS AND FACILITIES. AMENDED

503.1.1 Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and Appendix D, and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions: *No Changes*

503.1.1.2 is *added* to read as follows: Nothing in the California Fire Code shall prevent the Town or City from designating or maintaining a street as a “Fire Lane” which does not meet the requirements of a fire apparatus access road under the California Fire Code.

503.3 Marking. Where required by the *fire code official*, approved signs and markings designating fire lanes shall comply with California Vehicle Code section 22500.1. The

designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE". Signs and markings shall not be obstructed, and shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.7 - Restrictions and requirements as specified in the California Vehicle Code shall apply to fire lanes established by this section.

SECTION 505 PREMISES IDENTIFICATION is *amended* to read as follows:

505.1 Address Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or English alphabet letters. Numbers shall not be spelled out. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. 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. Said numbers shall be either internally or externally illuminated in all new construction. Numbers shall be as follows:

1. Minimum of one-half inch (1/2") stroke by eight inches (8") high.
Exception: Single-Family dwelling minimum of one-half inch (1/2") stroke by four inches (4") high.
2. When the structure is more than fifty (50) feet from the street or fire apparatus access, a minimum of one-inch (1") stroke by twelve inches (12") high is required.

SECTION 505.1.1 Multi-tenant buildings is *added* to read as follows:

505.1.1 Multi -Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2") stroke by four inches (4") high and on a contrasting background. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction.

SECTION 505.1.2 Rear Addressing is *added* to read as follows:

505.1.2 Rear Addressing. When required by the fire code official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or

where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with 505.1.

SECTION 506 KEY BOXES is *amended* to read as follows:

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 life-saving 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. Where a new gate or barrier is installed on a fire access roadway, the fire department shall have emergency access. Gates or barriers shall have a Knox® key switch.

SECTION 506.3 Key Box contents requirements is *added* to read as follows:

506.3 Key box contents requirements. The keys provided shall be a master key to all spaces including multi-tenant spaces. Additional keys shall be included for card access, elevator control, fire alarm control panels, and fire sprinkler control valve access.

Exceptions:

1. Multi-tenant spaces which provide a key box for each tenant and installed per Section 506.1.
2. Electronic card keys and codes may not be utilized as a substitute for manual keys.

Section 510.3 is amended to read as follows:

510.3 Permits required. Permits shall be required as set forth in Sections 105.5 and 105.6 for the installation of or modification to and the operation of in-building two-way emergency responder communication coverage systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Section 510.4.2 is amended to read as follows:

510.4.2 System Design. The in-building, two-way emergency responder communication coverage system shall be designed in accordance with Sections 510.4.2.1 through 510.4.2.8, NFPA 1221, NFPA 1225, NFPA 72 and San Mateo County ERCCS (P-500).

SECTION 510.4.2.9 UL CERTIFICATION. ADDED

510.4.2.9 UL CERTIFICATION. New ERCES systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 510.5 is amended to read as follows:

510.5 Installation requirements. The installation of the in-building, two-way emergency

responder communication coverage system shall be in accordance with San Mateo County ERCCS (P-500), NFPA 72, NFPA 1221, and Sections 510.5.2 through 510.5.5.

Section 907.1.6 is added to read as follows:

907.1.6 Certification. New fire alarm systems shall be UL-Certified. A certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installation. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate. The protected premise shall be issued a UUFEX type certification from Underwriters Laboratories (UL).

907.7 Acceptance tests and completion is amended as follows: Upon completion of the installation, the fire alarm system and all fire alarm components shall be tested in accordance with NFPA 72. Fire alarms systems in commercial structures shall obtain a UL Certificate for the system prior to final inspection.

Section 5601.2.4 is amended to read as follows:

5601.2.4 Financial responsibility. Before a permit is issued pursuant to section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$2 *million* or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Exception: (No change)

Appendix B of the 2022 California Fire Code is amended to read as follows:

APPENDIX B
FIRE-FLOW REQUIREMENTS FOR BUILDINGS

California Fire Code, Appendix B Table B105.1(1) is amended to read as follows:

TABLE B105.1(1)
**REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3
AND R-4 BUILDINGS AND TOWNHOUSES**

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
0-3,600	No automatic sprinkler system	1,000	1
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at The required fire-flow rate
0-3,600	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	1,000	1
3,601 and greater	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	½ value in Table B105.1(2) ^a	1

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,000 gallons per minute.

California Fire Code, Appendix B Table B105.2 is amended to read as follows:

**TABLE B105.2
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES**

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)

Section 903.3.1.1 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

- a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

B105.2 – B106 {CFC text not modified}

Appendix D FIRE APPARATUS ACCESS ROADS is *added*

SECTION 7: DATE OF EFFECT

This ordinance shall take effect and be in full force on January 1, 2023.

SECTION 8: PUBLIC POSTING

This ordinance shall be posted on the Menlo Park Fire Protection District website at www.menlofire.org and published pursuant to law.

Introduced the 18th day of October 2022, public hearing was held on November 15, 2022.

PASSED AND ADOPTED as an Ordinance of the Menlo Park Fire Protection District at a regular meeting thereof held on the 15th day of November 2022.

AYES: BERNSTEIN, JONES, KIRALY, MCLAUGHLIN, AND SILANO


NOES: NONE


ABSENT: NONE

ABSTAIN: NONE

ATTESTED:

APPROVED:


Michelle Kneier, Clerk of the Board


Charles D. Bernstein, Board President