

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

April 7, 2015

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on March 16, 2015, makes reference to County Communication 13-181, from the Fire Chief, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING THE HAWAII STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO", together with a copy of the Hawaii State Fire Code. The purpose of the proposed bill is to adopt, with amendments, the updated Hawaii State Fire Code, effective January 1, 2010, as the updated Maui County Fire Code.

Your Committee notes the State of Hawaii updated its fire code through amendments effective August 15, 2014.

By correspondence dated December 1, 2014, the Fire Chief transmitted a revised proposed bill, along with a National Fire Protection Agency ("NFPA") Fire Code entitled "NFPA 1 FIRE CODE 2012", updated from the previously submitted 2006 volume, and related documents. The purpose of the revised proposed bill is to adopt, with amendments, the updated Hawaii State Fire Code, effective August 15, 2014, as the updated Maui County Fire Code. The revised proposed bill repeals Chapter 16.04B, Maui County Code, and adds a new Chapter 16.04C, Maui County Code, pertaining to the Fire Code.

Your Committee notes the Council's Policy and Intergovernmental Affairs Committee (2013-2015 Council term) met on this matter on December 8, 2014.

The Fire Chief provided a document explaining the proposed amendments.

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The Committee noted the Department of Labor and Industrial Relations adopted the Hawaii State Fire Code as Chapter 12-45.3, Hawaii Administrative Rules. This most recent iteration of the Hawaii State Fire Code incorporates, with modifications, the NFPA 1 Fire Code, 2012 Edition.

The Committee discussed changes in fire sprinkler system requirements for various types of occupancies, such as assemblies, hotels, and dormitories, recommended by the Department of Fire and Public Safety. The Committee recommended clarifications to the revised proposed bill based on input from the Department.

At the request of the Committee, the Department of the Corporation Counsel transmitted a further revised proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO", incorporating the Committee's suggested revisions and nonsubstantive revisions.

Your Committee notes at its meeting of January 2, 2015, the Council referred County Communication 13-181 to your Committee (County Communication 15-2).

Your Committee discussed the further revised proposed bill and was satisfied with the proposed amendments to the Maui County Fire Code.

Your Committee voted 7-0 to recommend passage of the further revised proposed bill on first reading and filing of the communication. Committee Chair Victorino and members Baisa, Carroll, Cochran, Crivello, Hokama, and White voted "aye". Committee Vice-Chair Couch and member Guzman were excused.

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Your Committee is in receipt of a further revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating a nonsubstantive revision.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

1. That Bill _____ (2015), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 13-181 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE ADOPTING THE
STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 16.04B of the Maui County Code pertaining to the Uniform Fire Code is hereby repealed in its entirety.

SECTION 2. The "State Fire Code," which code adopts, with modifications, the "NFPA, 2012 Edition," as published and copyrighted by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, is herein adopted, subject to the amendments set forth in chapter 16.04C.

SECTION 3. There is hereby added to the Maui County Code a new chapter, pertaining to the Fire Code, to be designated and to read as follows:

Chapter 16.04C

FIRE CODE

Sections:

- 16.04C.010 The State Fire Code incorporated.
- 16.04C.020 Subsection 1.1.2 amended.
- 16.04C.030 Subsection 1.3.3.3 amended.
- 16.04C.040 Subsection 1.7.6.8 added.
- 16.04C.050 Subsection 1.7.11.1 amended.
- 16.04C.060 Subsection 1.7.11.1.1 added.
- 16.04C.070 Subsection 1.7.12.1 amended.
- 16.04C.080 Subsection 1.7.12.2 amended.
- 16.04C.090 Subsection 1.7.12.5 added.
- 16.04C.100 Subsection 1.10.1.1 deleted.
- 16.04C.110 Subsection 1.10.2 amended.
- 16.04C.120 Subsection 1.10.3 deleted.
- 16.04C.130 Subsection 1.10.4 deleted.
- 16.04C.140 Subsection 1.10.5 deleted.
- 16.04C.150 Subsection 1.10.6 deleted.

16.04C.160 Subsection 1.12.8 and tables 1.12.8(a), (b), and (c) added.
16.04C.170 Section 1.16 amended.
16.04C.180 Subsection 10.11.1.2 added.
16.04C.190 Subsection 10.11.6.1 amended.
16.04C.200 Subsection 10.11.11 added.
16.04C.210 Subsection 10.14.10 amended.
16.04C.220 Subsection 10.14.10.4 added.
16.04C.230 Subsection 10.14.10.5 added.
16.04C.240 Subsection 11.12.1 amended.
16.04C.250 Subsection 11.12.2.2.2 amended.
16.04C.260 Subsection 11.12.3.1.1 added.
16.04C.270 Subsection 13.2.2.6 added.
16.04C.280 Subsection 13.3.1.9 added.
16.04C.290 Subsection 13.3.1.10 added.
16.04C.300 Subsection 13.3.2.8 added.
16.04C.310 Subsection 13.3.2.12 added.
16.04C.320 Subsection 13.3.2.16 added.
16.04C.330 Subsection 13.3.2.26.2 added.
16.04C.340 Subsection 13.3.2.27.6 added.
16.04C.350 Subsection 13.5.1.1 added.
16.04C.360 Subsection 13.6.2 amended.
16.04C.370 Subsection 13.7.1.6 added.
16.04C.380 Subsection 13.7.2.14.8 added.
16.04C.390 Subsection 13.7.2.18 added.
16.04C.400 Subsection 13.7.2.20 added.
16.04C.410 Subsection 18.2.3.1.3 amended.
16.04C.420 Subsection 18.2.3.2.1 amended.
16.04C.430 Subsection 18.2.3.2.1.1 deleted.
16.04C.440 Subsection 18.2.3.6 added.
16.04C.450 Subsection 18.3.1 amended.
16.04C.460 Subsection 18.3.1.2 added.
16.04C.470 Subsection 18.4.6 added.
16.04C.480 Subsection 18.5.2.1 added.
16.04C.490 Subsection 18.5.2.2 added.
16.04C.500 Subsection 20.1.5.10.3.1 amended.
16.04C.510 Subsection 25.1.1 amended.
16.04C.520 Subsection 25.1.11 amended.
16.04C.530 Subsection 25.2.3.1 amended.
16.04C.540 Subsection 25.2.3.6 added.
16.04C.550 Subsection 34.8.4 added.
16.04C.560 Subsection 42.7.4.3.3 added.
16.04C.570 Subsection 42.7.4.3.4 added.
16.04C.580 Subsection 42.7.5.7 added.
16.04C.590 Subsection 50.2.2.3.4 added.
16.04C.600 Subsection 50.4.6.1 amended.
16.04C.610 Subsection 50.4.11.2.3 added.
16.04C.620 Subsection 60.5.1.9.2 amended.
16.04C.630 Subsection 69.3.3.12 added.
16.04C.640 Subsection 69.3.6.1.2.1 added.

16.04C.010 The State Fire Code incorporated. Chapter 12-45.3, Hawaii Administrative Rules, entitled "State Fire Code" as adopted by the State of Hawaii on August 15, 2014 as required by Section 132-3, Hawaii Revised Statutes, which adopts, with modifications, the NFPA 1, Fire Code, 2012 Edition, ("NFPA 1") as published and copyrighted by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02169-9101 is made a part of this chapter, subject to the amendments set forth in this chapter.

16.04C.020 Subsection 1.1.2 amended. Subsection 1.1.2 of the NFPA 1, as amended by the State Fire Code, is amended read as follows:

1.1.2 Title. This code shall be known as the [State Fire Code] Maui County Fire Code, may be cited as such, and will be referred to in this chapter as "this code."

16.04C.030 Subsection 1.3.3.3 amended. Section 1.3 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 1.3.3.3 to read as follows:

1.3.3.3 When a difference occurs in the requirements for design and construction for new construction of buildings between this code and the building code, the building code shall apply.

EXCEPTIONS:

1. This code does not apply to new construction except when this code is specifically referenced from the building code.

2. The requirements as defined in chapter 13 of this code shall apply to new and existing buildings.

16.04C.040 Subsection 1.7.6.8 added. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection designated subsection 1.7.6.8 to read as follows:

1.7.6.8 Inspection hours. All inspections shall take place between the hours of 8:00 a.m. to 4:30 p.m. (0800 to 1630 hours), Monday through Friday, excluding holidays. A fee as set forth in the annual budget with a two-hour minimum shall be assessed for any inspection conducted outside normal business hours for the convenience of the requestee or permittee. A fee may be assessed for each re-inspection when corrections or portions of work have not been made or completed during the initial inspection. The re-inspection fee shall be set forth in the annual budget.

16.04C.050 Subsection 1.7.11.1 amended. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 1.7.11.1 to read as follows:

1.7.11.1 [The] In accordance with Hawaii Revised Statutes, section 132-9, the AHJ shall have the authority to require plans [and specifications to ensure compliance with applicable codes and standards.] or documentation, or both, to show compliance with this code for the construction, alteration, rehabilitation, or addition to any building, structure, or facility; changes in the use of a building or structure, or a change in occupancy; and installation or alteration of any procedures, equipment, property, or structure for any life safety or fire protection systems.

16.04C.060 Subsection 1.7.11.1.1 added. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection designated subsection 1.7.11.1.1 to read as follows:

1.7.11.1.1 Plan review fee. When plans or documentation are required to be submitted to the chief under section 16.04C.050 of this code, a plan review fee shall be paid at the time of submitting plans and specifications for review. There is hereby established and created a fund to be known as the "plan review, processing, and inspection revolving fund." The fees collected are hereby deemed appropriated upon receipt and may be expended for salaries (no more than two plan reviewers), contracts,

materials, supplies, equipment, payment of over time, travel expenses, and training that will facilitate plan review, public education, fire investigation, permit processing, and inspections. The plan review fee shall be as set forth in the annual budget ordinance. Where plans are incomplete or are changed so as to require additional plan review, an additional plan review fee shall be charged as set forth in the annual budget.

The chief may authorize the refunding of not more than 50 percent of the plan review fee paid when any applicant withdraws or cancels the application before any plan reviewing is done.

16.04C.070 Subsection 1.7.12.1 amended. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 1.7.12.1 to read as follows:

1.7.12.1 The AHJ shall be notified by the person performing the work when the installation is ready for a required inspection. Every request for an inspection shall be filed not less than three working days before such inspection is desired.

16.04C.080 Subsection 1.7.12.2 amended. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 1.7.12.2 to read as follows:

1.7.12.2 Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the AHJ shall have the authority to require that such work be exposed for inspection. The County shall not be liable for expense entailed in the removal or replacement of any material required to allow inspection.

16.04C.090 Subsection 1.7.12.5 added. Section 1.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 1.7.12.5 to read as follows:

1.7.12.5 Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

16.04C.100 Subsection 1.10.1.1 deleted. Subsection 1.10.1.1 of the NFPA 1, as amended by the State Fire Code, is deleted in its entirety.

16.04C.110 Subsection 1.10.2 amended. Section 1.10 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 1.10.2 to read as follows:

1.10.2 [Rules and Procedures of the Board of] Appeals.

The [Board of Appeals shall have the authority to establish rules and regulations for conducting its business that are consistent with the provisions] board of variances and appeals, pursuant to its rules, shall render a decision on appeals of this [Code.] code.

1.10.2.1 The board of variances and appeals shall provide for reasonable interpretation of the provisions of this code and rule on appeals from decisions of the AHJ.

1.10.2.2 The ruling of the board of variances and appeals shall ensure that the intent of this code is complied with and public safety is secured.

1.10.2.3 The board of variances and appeals shall be permitted to grant alternatives or modifications through the procedures outlined in section 1.4 of this code.

1.10.2.4 The board of variances and appeals shall not have the authority to waive the requirements of this code.

1.10.2.5 Rulings of the board of variances and appeals shall not be precedence setting. Each application shall be reviewed and determined by its respective merits and circumstances.

1.10.2.6 Any person shall be permitted to appeal a decision of the AHJ to the board of variances and appeals when it is claimed that any one or more of the following conditions exist:

1. The true intent of the codes or ordinances described in this code has been incorrectly interpreted.

2. The provisions of the codes or ordinances do not fully apply.

3. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

16.04C.120 Subsection 1.10.3 deleted. Subsection 1.10.3 of the NFPA 1, as amended by the State Fire Code, is deleted in its entirety.

16.04C.130 Subsection 1.10.4 deleted. Subsection 1.10.4 of the NFPA 1, as amended by the State Fire Code, is deleted in its entirety.

16.04C.140 Subsection 1.10.5 deleted. Subsection 1.10.5 of the NFPA 1, as amended by the State Fire Code, is deleted in its entirety.

16.04C.150 Subsection 1.10.6 deleted. Subsection 1.10.6 of the NFPA 1, as amended by the State Fire Code, is deleted in its entirety.

16.04C.160 Subsection 1.12.8 and tables 1.12.8(a), (b), and (c) added. Section 1.12 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 1.12.8 to read as follows:

1.12.8 Permits required. It shall be unlawful for any person to use a building or premises or engage in any activities for which a permit is required by this code without first having obtained such permit. The fee for each permit shall be set forth in the annual budget.

A permit shall be obtained from the Fire Prevention Bureau prior to engaging in the following activities, practices, or functions:

1. **Compressed gases.** To store, use, or handle at normal temperatures and pressures compressed gases in excess of the amounts listed in Table 1.12.8(a). When the compressed gases in use or storage exceed the amounts listed in Table 1.12.8(a), a permit is required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

2. **Explosives materials.** To manufacture, sell, dispose, purchase, store, use, possess, or transport explosives within the jurisdiction. See chapter 65 of this code.

3. Flammable and combustible liquids and tanks.

3.1 To use or operate, repair, or modify a pipeline for the on-site transportation of flammable or combustible liquids.

3.2 To store, handle, or use Class I liquids in excess of 5 gallons (18.9 L) in a building or in excess of 10 gallons (37.9 L) outside of a building.

EXCEPTION to item 3.2: A permit is not required for the following:

1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant unless such storage in the opinion of the chief would cause an unsafe condition.

2. The storage or use of paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for maintenance, painting, or similar purposes for a period of not more than 30 days.

3.3 To store, handle, or use Class II or Class III-A liquids in excess of 25 gallons (94.6 L) in a building, or in excess of 60 gallons (227.1 L) outside a building.

EXCEPTION to item 3.3: Fuel oil used in connection with oil-burning equipment.

3.4 To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

3.5 To install, construct, alter, or operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries, and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed, or used.

3.6 To install, alter, clean, repair, line with a protective coating, remove, abandon, place temporarily out of service, or otherwise dispose of a flammable or combustible liquid tank.

3.7 To change the type of contents stored in a flammable or combustible liquid tank to a material other than those for which the tank was designed and constructed.

4. Hazardous materials. Permits shall be required as indicated below; fees shall be as set forth in the annual budget. See chapter 60 of this code.

4.1 To store, transport on-site, dispense, use, or handle hazardous materials in excess of the amounts listed in Table 1.12.8(c).

4.2 To install, repair, abandon, remove, place temporarily

out of service, close or substantially modify a storage facility or other area regulated by chapter 60 of this code when the hazardous materials in use or storage exceed the amounts listed in Table 1.12.8(c).

5. Liquefied petroleum gases. Permits shall be required as indicated below; fees shall be as set forth in the annual budget. See chapter 69 of this code.

5.1 To store, use, handle, or dispense LP-gas of 125 gallons (water capacity) aggregate capacity or greater.

5.2 To install or modify LP-gas systems of 125 gallons (water capacity) aggregate capacity or greater.

5.3 All LP-gas tanks that are filled on-site and used commercially shall require a permit.

EXCEPTION: LP-gas systems of 124 gallons or less (water capacity) used at one- and two-single family dwellings shall not require a permit.

6. Places of assembly. To operate an assembly occupancy with an occupant load of 300 or more in permitted structures; a permit shall be required with a fee as set forth in the annual budget. See chapter 20 of this code.

7. Spraying or dipping of flammable finish. For installation or modification of any spray room, spray booth, or preparation work station, or to conduct a spraying or dipping operation utilizing flammable or combustible liquids or powder coating; the fee shall be as set forth in the annual budget.

8. Tents, canopies, and temporary structures. To erect or operate an air-supported temporary membrane structure, tent, or canopy having an area in excess of 700 square feet (37.2 m²), except for those used exclusively for camping and private functions not open to the public as determined by the AHJ; the fee shall be as set forth in the annual budget. See chapter 25 of this code.

9. Fire protection permit. A fire protection permit shall be required for the installation, modification, renovation, or removal from service of the following fire protection and life safety systems: fire sprinkler systems, standpipe systems, fire hydrants and fire lines, fire pumps, automatic suppression systems, or fire alarm and detection systems.

10. Fireworks. Permits and fees required shall be as stated in Hawaii Revised Statutes chapter 132D, for the following:

A. Consumer fireworks (1.4G):

1. For the sale, on-site handling, and manufacture of consumer fireworks (1.4G).

2. For the storage of consumer fireworks (1.4G) in excess of the amount listed in Table 1.12.8(c).

B. Display fireworks (1.3G): For possession, transportation, storage, manufacture, sale, handling, and discharge of display fireworks within the jurisdiction.

C. Flame effects: Use of flame effects before an

audience.

D. Pyrotechnic articles: For the manufacture, storage, sale, or use of pyrotechnic articles within the jurisdiction.

E. Pyrotechnics before a proximate audience: For the display and use of pyrotechnic materials before a proximate audience.

Table 1.12.8(a) Permit Amounts for Compressed Gases

Type of Gas	Amount*	
	ft ³	m ³
Corrosive	200	0.57
Flammable	200	0.57
Highly toxic	Any amount	
Inert and simple asphyxiant	6000	169.9
Oxidizing (including oxygen)	504	14.3
Pyrophoric	Any amount	
Toxic	Any amount	
Unstable (reactive)	Any amount	

Note: See Chapters 41, 42, 60, 63, and 69 for additional requirements and exceptions.

*Cubic feet measured at normal temperature and pressure.

Table 1.12.8(b) Permit Amounts for Cryogenics

Type of Cryogen	Inside Building (gal)	Outside Building (gal)
Corrosive	Over 1	Over 1
Flammable	Over 1	60
Toxic/Highly toxic	Over 1	Over 1
Nonflammable	60	500
Oxidizer (includes oxygen)	10	50

Note: See Chapter 63.

Table 1.12.8(c) Permit Amounts for Hazardous Materials

Type of Material	Amount	
	U.S. Unit	Metric Unit
Cellulose nitrate	25 lb	11.3 kg
Combustible fiber	100 ft ³	2.8 m ³
Combustible liquids	See Section 1.12.8 #3	
Consumer fireworks (1.4G)	10 lb	4.5 kg*
Corrosive gases	See Table 1.12.8(a)	
Corrosive liquids	55 gal	208 L
Corrosive solids	500 lb	227 kg
Cryogenics	See Table 1.12.8(b)	
Display fireworks (1.3G)	Any amount	
Explosives	Any amount	
Flammable gases	See Table 1.12.8(a)	
Flammable liquids	See Section 1.12.8 #3	
Flammable solids	100 lb	45.4 kg
Highly toxic gases	See Table 1.12.8(a)	
Highly toxic liquids	Any amount	
Highly toxic solids	Any amount	
LP-Gas	See Section 1.12.8 #5	
Nitrate film (cellulose)	Any amount	
Organic peroxides:	See Section 1.12.8 #4	
Class I	Any amount	
Class II	Any amount	
Class III	10 lb	4.5 kg
Class IV	20 lb	9 kg
Class V	Not required	
Unclassified	Any amount	
detonatable		
Oxidizing gases	See Table 1.12.8(a)	
Oxidizing liquids:	See Section 1.12.8 #4	
Class 4	Any amount	
Class 3	1 gal	3.8 L
Class 2	10 gal	38 L
Class 1	55 gal	208 L
Oxidizing solids:	See Section 1.12.8 #4	
Class 4	Any amount	
Class 3	10 lb	4.5 kg
Class 2	100 lb	45 kg
Class 1	500 lb	227 kg
Pyrophoric gases	See Table 1.12.8(a)	
Pyrophoric liquids	Any amount	

Pyrophoric solids	Any amount	
Toxic gases	See Table 1.12.8(a)	
Toxic liquids	10 gal	38 L
Toxic solids	100 lb	45 kg
Unstable (reactive) gases	See Table 1.12.8(a)	
Unstable (reactive) liquids:		
Class 4	Any amount	
Class 3	Any amount	
Class 2	5 gal	19 L
Class 1	10 gal	38 L
Unstable (reactive) solids:		
Class 4	Any amount	
Class 3	Any amount	
Class 2	50 lb	22.7 kg
Class 1	100 lb	45 kg
Water reactive liquids:		
Class 3	Any amount	
Class 2	5 gal	19 L
Class 1	10 gal	38 L
Water reactive solids:		
Class 3	Any amount	
Class 2	50 lb	22.7 kg
Class 1	100 lb	45 kg

Note: See Chapter 60 of this code for additional requirements and exceptions.

*Unless the actual weight of the pyrotechnic composition of the consumer fireworks, 1.4G, is known, 25 percent of the gross weight of the fireworks, including packaging, is permitted to be used to determine the weight of the fireworks for the purpose of this table.

16.04C.170 Section 1.16 amended. Section 1.16 of NFPA 1, as amended by the State Fire Code, is amended to read as follows:

1.16 Notice of [Violation and Penalties.] violation and penalties.

1.16.1 Where [Required] required. Whenever the AHJ determines violations of this [Code,] code, the AHJ shall issue a criminal citation or a written warning notice [shall be issued] to confirm such findings.

1.16.2 [Serving Notice of Violation.] Warning notice.

1.16.2.1 Any [order or] warning notice [of violation] issued

pursuant to this [Code] code, shall be served upon the owner, [operator,] occupant, [registered agent,] operator, or other person responsible for the condition or violation [by one of the following means:

(1) Personal service
(2) Mail to last known address of the owner, operator, or registered agent, either] of this code, by personal service, by registered or certified mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises.

1.16.2.1.1 For unattended or abandoned locations, a copy of the warning notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the warning notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant, or both.

1.16.2.2 [For unattended or abandoned locations, a copy of such order or] The warning notice [of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice] shall contain, at a minimum, [be disseminated in accordance with one of] the following:

- (1) [Mailed to the last known address of the owner, occupant, or registered agent] Date of the notice;
- (2) [Published in a newspaper of general circulation wherein the property in violation is located] The name and address of the person(s) noticed;
- (3) The section number of the provision or rule, or the number of the permit which has been violated;
- (4) The nature of the violation; and
- (5) The location and time of the violation.

1.16.2.3 [Refusal of an owner, occupant, operator, or other person responsible for the violation to accept the violation notice shall not be cause to invalidate the violation or the notice of violation. When acceptance of a notice of violation is refused, valid notice shall have deemed to have been served under this section provided the methods of service in 1.16.2.1 or 1.16.2.2 have been followed.] The AHJ may, in writing, extend the time period for compliance stated in the warning notice.

1.16.3 [Destruction or Removal of Notice.] Notice of violation. [The mutilation, destruction, or removal of a posted order or violation notice without authorization by the AHJ shall be a separate] Failure by the owner, occupant, operator, or other person responsible for the condition or violation of this [Code] code, [and punishable by the penalties established by the AHJ.] to remedy the condition or violation within the time period stated in the warning notice, unless said time period has been extended in writing by the AHJ, shall result in the issuance of a notice of violation to the party responsible for the condition or violation.

1.16.3.1 Any notice of violation issued pursuant to this code

shall be served upon the owner, occupant, operator, or other person responsible for the condition or violation of this code, by personal service, by registered or certified mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises.

1.16.3.2 The notice of violation shall contain, at a minimum, the following information:

1. Date of the notice of violation;
2. Name and address of person noticed;
3. Nature of the violation;
4. Address and/or location of the violation;
5. Date and time of the inspection of the premises when the violation was determined;
6. Date of the warning notice;
7. Date that time for compliance expired; and
8. The section number of the provision or rule, or the number of the permit violated.

1.16.3.3 The notice of violation and order may require the person to do any or all of the following:

1. Cease and desist from the violation;
2. Correct the violation at the person's own expense before a date specified in the order;
3. Pay a civil fine not to exceed \$1,000 in the manner, at the place, and before the date specified in the order; or
4. Pay a civil fine not to exceed \$1,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.

1.16.3.4 The notice of violation and order shall advise the person that the order shall become final 30 days after the date of its mailing or delivery. The order shall also advise that the AHJ's action may be appealed to the board of variances and appeals.

1.16.3.5 An appeal to the board of variances and appeals shall not stay any provision of the order.

1.16.3.6 The AHJ may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. When a civil action has been instituted to enforce the civil fine imposed by the order, the AHJ need only show that the notice of violation and order was served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been appealed in a timely manner or paid.

1.16.3.7 The AHJ may adopt rules to implement this section.

1.16.4 Penalties. Failure to comply with the time limits of a notice of violation or other corrective notice issued by the AHJ shall result in each day that such violation continues being regarded as a new and separate offense.

1.16.4.1 [Any person who fails to comply with the provisions of this Code, fails to carry out an order made pursuant to this

Code, or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the AHJ.] A separate notice of violation shall not be required to be served each day for a violation to be deemed a separate offense.

1.16.4.2 [Where the AHJ establishes a separate penalty schedule, violations of this Code shall be subject to a \$250.00 penalty.

1.16.4.3 Failure to comply with the time limits of an order or notice of violation issued by the AHJ shall result in each day that the violation continues being regarded as a separate offense and shall be subject to a separate penalty.

1.16.4.4 A separate notice of violation shall not be required to be served each day for a violation to be deemed a separate offense.

1.16.5 Abatement. Where a violation creates an imminent danger, the AHJ is authorized to abate such hazard in accordance with 1.7.15.] Refusal of an owner, occupant, operator, or other person responsible for the violation to accept the notice of violation shall not be cause to invalidate the violation or notice of violation. When acceptance of a notice of violation is refused, valid notice shall be deemed to have been served under this section provided the methods of service in subsections 1.16.2.1 and 1.16.3.1 have been followed.

1.16.4.3 Nothing herein shall be construed to limit or restrict the AHJ from instituting, on behalf of the County, any other legal or equitable proceedings, in addition to those specified herein, to obtain compliance with the notice of violation and to recover the costs of such work from the owner or attach a lien to the premises.

1.16.4.4 Any person who mutilates, destroys, or removes posted orders or notices without the authorization of the AHJ shall be subject to the penalties established by the jurisdiction.

1.16.4.5 Any person who fails to comply with the provisions of this code, or who fails to carry out an order made pursuant to this code, or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the jurisdiction.

1.16.5 Criminal prosecution. Any violation under this chapter shall be punishable by a fine of not more than \$1,000 or 6 months in jail, or both, no part of which may be suspended.

A. The continuation of any violation shall be deemed a new violation for each day of such continuance.

B. The County may maintain an action for an injunction to restrain any violation of this chapter and may take any other lawful action to prevent or remedy any violation.

C. The AHJ and members of the fire prevention bureau may arrest, without warrant, alleged violators by issuing a summons or citation in accordance with the procedures specified in this section. Nothing in this section shall be construed as barring such authorized personnel from initiating prosecution by penal

summons, by complaint, by warrant or such other judicial process as is permitted by statute or rule of court.

D. Personnel making an arrest for a violation of this chapter may take the name and address of the alleged violator and shall issue to the alleged violator a written summons or citation, notifying the alleged violator to answer at a place and at a time provided in the summons or citation.

E. There shall be provided for use by authorized personnel a form of summons or citation for use in citing violators of this chapter which does not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summons or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid under the laws of the State and the County.

F. In every case where a citation is issued, the original of the same shall be given to the violator, provided that the administrative judge of the district court may prescribe the giving to the violator of a carbon copy of the citation and provide for the disposition of the original and any other copies.

G. Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

16.04C.180 Subsection 10.11.1.2 added. Section 10.11 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 10.11.1.2 to read as follows:

10.11.1.2 Fires for recreational, decorative, or ceremonial purposes shall be approved by the Department of Health-Clean Air Branch.

16.04C.190 Subsection 10.11.6.1 amended. Subsection 10.11.6.1 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

10.11.6.1 For other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 [ft] feet (3 m) of any structure.

EXCEPTION: In multi-story, multi-dwelling occupancies, where the fuel supply is piped in, gas-fueled grills shall be allowed on non-combustible balconies that are

protected with fire sprinklers.

16.04C.200 Subsection 10.11.11 added. Section 10.11 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 10.11.11 to read as follows:

10.11.11 Open-flame performances before a proximate audience.

10.11.11.1 Open flame performances before a proximate audience shall comply with the following:

A. Performances that use an open flame, including, but not limited to "fire dancing" and "logo burns," shall be held outdoors or within a building protected with an automatic fire sprinkler in accordance with section 20.1.5.3.

B. Performances shall be in an area with at least 25 feet of clearance from readily combustible materials.

C. A minimum clearance of 25 feet shall be kept between the performance and the audience at all times. This distance may be reduced to 15 feet, provided an AHJ-approved, non-combustible safety net is in place to protect the audience from any accidental release of the open-flame prop.

D. Fire props shall be in accordance with the following:

1. Gasoline, white gas, or any class 1 flammable liquid shall not be used as the fuel source.

2. Fuel storage shall be kept in an approved container at least 25 feet away from the performance and the audience. The quantity of fuel stored shall only suffice for a single performance.

3. Performers shall not throw any open-flame props over the audience as to cause a fire or safety hazard.

4. Fire props shall be adequately extinguished immediately after the performance and shall be kept clear of combustible materials.

E. A CO² fire extinguisher with a minimum 20B rating and an ABC fire extinguisher with a minimum 4A rating shall be readily available and within 30 feet of the performance. The fire extinguishers shall be constantly attended by a competent adult trained in the use of portable fire extinguishers.

F. Event site shall be subject to inspection.

G. Additional clearances and/or means of fire extinguishment shall be provided if deemed necessary by the AHJ.

16.04C.210 Subsection 10.14.10 amended. Subsection 10.14.10 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

10.14.10 Exterior [Vegetation.] vegetation.

10.14.10.1 Cut or uncut weeds, grass, vines, and other vegetation shall be removed when determined by the AHJ to be a fire hazard.

10.14.10.2 When the AHJ determines that total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established.

10.14.10.2.1 Clearance of brush. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon, or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet of such buildings or structures;

EXCEPTION: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation and combustible growth located within 30 feet from such buildings or structures, when required by the AHJ because of extra-hazardous conditions causing a firebreak of only 30 feet to be insufficient to provide reasonable fire safety. The AHJ may require the removal for up to 100 feet;

EXCEPTION: Grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within 10 feet of the outlet of a chimney;

4. Maintain trees adjacent to or overhanging a building free of deadwood; and

5. Maintain the roof of a structure free of leaves, needles, or other dead vegetative growth.

10.14.10.3 Designated areas shall be cleared of combustible vegetation to establish the fuel breaks.

16.04C.220 Subsection 10.14.10.4 added. Section 10.14 of the NFPA

1, as amended by the State Fire Code, is amended by adding a new subsection

to be designated subsection 10.14.10.4 to read as follows:

10.14.10.4 The chief shall be authorized to remove combustible vegetation and combustible materials or establish firebreaks upon a property that has been deemed a fire hazard when corrective action has not been provided within the time frame stated in the notice of violation. Such work shall be at the expense of the property owner, and the cost of the work shall be placed as a lien against the subject property.

16.04C.230 Subsection 10.14.10.5 added. Section 10.14 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 10.14.10.5 to read as follows:

10.14.10.5 Designated fuel breaks and prescribed actions to abate a fire hazard shall be maintained at all times. When a second violation within a calendar year occurs, the owner of the subject property shall be subject to a fine of not more than \$1,000 and the provisions of section 10.14.10.4.

16.04C.240 Subsection 11.12.1 amended. Subsection 11.12.1 of NFPA 1, as amended by the State Fire Code, is amended by deleting the exception added in the State Fire Code.

16.04C.250 Subsection 11.12.2.2.2 amended. Subsection 11.12.2.2.2 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

11.12.2.2.2 One- [and Two-Family Dwellings and Townhouses.] and two-family dwellings and townhouses. Photovoltaic systems installed in one- and two-family dwellings and townhouses shall be in accordance with this section. The requirements of this section may be modified by the AHJ.

16.04C.260 Subsection 11.12.3.1.1 added. Section 11.12 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 11.12.3.1.1 to read as follows:

11.12.3.1.1 Ground-mounted photovoltaic systems larger

than 3,000 square feet in area shall be provided with a clear of at least 30 feet in width or as approved by the AHJ.

16.04C.270 Subsection 13.2.2.6 added. Section 13.2 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.2.2.6 to read as follows:

13.2.2.6 Fire department hose connections for standpipe systems shall not be closer than 40 feet to the building or structure it is serving unless otherwise approved by the AHJ. A fire hydrant or approved source of water supply shall be within 100 feet of the connection.

16.04C.280 Subsection 13.3.1.9 added. Section 13.3 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.3.1.9 to read as follows:

13.3.1.9 Fire department hose connections serving automatic sprinkler systems for buildings shall be within 100 feet of a fire hydrant and located as follows:

1. For new buildings 3 stories or more in height, fire department hose connections shall not be closer than 40 feet to the building it is serving.
2. For all other new buildings, fire department hose connections shall not be closer than 20 feet to the building it is serving.
3. For existing buildings that are being retrofitted with an automatic sprinkler system, the location of the fire department hose connections shall be determined by the AHJ.

16.04C.290 Subsection 13.3.1.10 added. Section 13.3 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.3.1.10 to read as follows:

13.3.1.10 Compliance. All existing occupancies that under this code are required to be protected by an automatic fire sprinkler system shall be in compliance with this provision within 3 years of adoption of this code.

16.04C.300 Subsection 13.3.2.8 added. Subsection 13.3.2.8 of the NFPA 1, deleted in its entirety by the State Fire Code, is being added to read as follows:

13.3.2.8 Existing assembly occupancies.

13.3.2.8.1 Where the occupant load exceeds 100 persons, the following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with NFPA 13:

1. Bars with live entertainment;
2. Dance halls;
3. Discotheques;
4. Nightclubs or similar usage; and
5. Assembly occupancies with festival seating.

[101:13.3.5.1]

13.3.2.8.2 Any assembly occupancy used or capable of being used for exhibition or display purposes shall be protected throughout by an approved automatic sprinkler system in accordance with section 13.3 where the exhibition or display area exceeds 15,000 square feet. [101: 13.3.5.2]

16.04C.310 Subsection 13.3.2.12 added. Subsection 13.3.2.12 of the NFPA 1, deleted in its entirety by the State Fire Code, is being added to read as follows:

13.3.2.12 Existing health care occupancies.

13.3.2.12.1 Buildings containing nursing homes shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with section 13.3 and section 9.7 of NFPA 101. [101: 19.3.5.1]

13.3.2.12.2 Where required by subsection 19.1.6 of NFPA 101, buildings containing hospitals or limited care facilities shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with section 13.3 and section 9.7 of NFPA 101 [101: 19.3.5.3]

EXCEPTION: Existing health care occupancies not meeting the definition of an I-occupancy as defined within the adopted building code.

16.04C.320 Subsection 13.3.2.16 added. Subsection 13.3.2.16 of the

NFPA 1, deleted in its entirety by the State Fire Code, is being added to read as follows:

13.3.2.16 Existing hotels and dormitories.

13.3.2.16.1 All high-rise buildings, other than those where each guest room or guest suite has exterior exit access in accordance with subsection 7.5.3 of NFPA 101, shall be protected throughout by an approved, supervised, automatic sprinkler system in accordance with subsection 13.3.2.16.2. [101:29.3.5.1]

13.3.2.16.2* Where an automatic sprinkler system is installed, either for total or partial building coverage, the system shall be in accordance with section 13.3, as modified by subsections 13.3.2.16.3 and 13.3.2.16.4; in buildings up to and including 4 stories in height above grade, systems in accordance with NFPA 13R shall be permitted. [101:29.3.5.3]

13.3.2.16.3 The provisions for draft stops and closely spaced sprinklers in NFPA 13 shall not be required for openings complying with subsection 8.6.9.1 of NFPA 101 where the opening is within the guest room or guest suite. [101:29.3.5.4]

13.3.2.16.4 In guest rooms and in guest room suites, sprinkler installations shall not be required in closets not exceeding 24 ft² (2.2 m²) and in bathrooms not exceeding 55 ft² (5.1 m²). [101: 29.3.5.5]

16.04C.330 Subsection 13.3.2.26.2 added. Subsection 13.3.2.26.2 of the NFPA 1, deleted in its entirety by the State Fire Code, is amended by adding subsection 13.3.2.26.2 to read as follows:

13.3.2.26.2* Existing high-rise buildings shall be protected throughout by an approved automatic sprinkler system in accordance with this chapter, and subsections 13.3.2.26.2.1, and 13.3.2.26.2.3.

13.3.2.26.2.1 Each building owner shall, within 180 days of receiving notice, file an intent to comply with this regulation with the AHJ for approval.

13.3.2.26.2.2 The AHJ shall review and respond to the intent-to-comply submittal within 60 days of receipt.

13.3.2.26.2.3* The entire building shall be required to be protected by an approved automatic sprinkler system within 12 years of adoption of this code.

16.04C.340 Subsection 13.3.2.27.6 added. Section 13.3 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection

to be designated subsection 13.3.2.27.6 to read as follows:

13.3.2.27.6 Automatic fire sprinkler protection shall be provided in all new buildings with a floor area greater than 5,000 square feet and an average ceiling height greater than 16 feet.

16.04C.350 Subsection 13.5.1.1 added. Section 13.5 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.5.1.1 to read as follows:

13.5.1.1 The static pressure for private fire service mains shall not exceed 175 psi.

16.04C.360 Subsection 13.6.2 amended. Section 13.6 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 13.6.2 to read as follows:

13.6.2* Where [Required.] required. Fire extinguishers shall be provided where required by this [Code] code as specified in Table 13.6.2 and the referenced codes and standards listed in [Chapter] chapter 2[.]of this code, or as approved by the AHJ.

16.04C.370 Subsection 13.7.1.6 added. Section 13.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.7.1.6 to read as follows:

13.7.1.6 Only one fire alarm panel shall be installed per complex, facility, or address. Where multiple panels are used to service a complex, facility, or address, these panels shall be connected to one main panel that is located where approved by the AHJ. Exceptions to this requirement shall be approved in writing by the AHJ.

16.04C.380 Subsection 13.7.2.14.8 added. Section 13.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 13.7.2.14.8 to read as follows:

13.7.2.14.8 When a fire alarm system serving a one- and two-family dwelling is monitored by a central or remote station, only the following initiating devices shall be monitored:

1. Heat detectors;
2. Manual pull stations; or
3. Water flow switches on an automatic fire sprinkler

system.

These fire alarm systems shall be constantly monitored for trouble and supervisory signals, tested annually, and cleaned, if necessary, on or before the anniversary date of their original installation by qualified and licensed service personnel.

13.7.2.14.8.1 An existing system shall be made to comply with this section if the system is deemed a nuisance and is responsible for 3 nuisance alarms in a 12-month time period. If an existing system is deemed a nuisance, the call-out procedures in regards to activation of the system may be modified by the AHJ.

16.04C.390 Subsection 13.7.2.18 added. Subsection 13.7.2.18 of the NFPA 1, deleted in its entirety by the State Fire Code, is being added to read as follows:

13.7.2.18 Existing mercantile occupancies.

13.7.2.18.1 Class A mercantile occupancies shall be provided with a fire alarm system in accordance with section 13.7 and NFPA 101. [101: 37.3.4.1]

13.7.2.18.2 Malls shall be provided with a fire alarm system in accordance with section 13.7. [101: 37.4.4.4.1]

13.7.2.18.3 Bulk merchandising retail buildings shall be provided with a fire alarm system in accordance with section 13.7. [101: 37.4.5.4.1]

16.04C.400 Subsection 13.7.2.20 added. Subsection 13.7.2.20 of the NFPA 1, deleted in its entirety by the State Fire Code, is being added to read as follows:

13.7.2.20 Existing business occupancies. A fire alarm system in accordance with section 13.7 and NFPA 101 shall be provided in all business occupancies where any one of the following conditions exist:

1. The building is 2 or more stories in height above the level of exit discharge.

2. The occupancy is subject to 100 or more occupants above or below the level of exit discharge.

3. The occupancy is subject to 1,000 or more total occupants. [101:39.3.4.1]

16.04C.410 Subsection 18.2.3.1.3 amended. Section 18.2 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 18.2.3.1.3 to read as follows:

18.2.3.1.3 The provisions of subsections 18.2.3.1 through 18.2.3.2.2.1 shall be permitted to be modified by the AHJ where any of the following conditions [exists:] exist:

1. Not more than [two] 2 one- and two-family dwellings [protected by an approved automatic sprinkler system in accordance with Section 13.1] are constructed;

2. [Not more than two existing] Existing one- and two-family dwellings;

3. Private garages having an area not exceeding [400 ft²] 1,000 square feet;

4. Carports having an area not exceeding [400ft²] 1,000 square feet;

5. Agricultural buildings having an area not exceeding [400 ft²] 1,000 square feet; or

6. Sheds [and other detached buildings] having an area not exceeding 400 [ft²] square feet.

16.04C.420 Subsection 18.2.3.2.1 amended. Section 18.2 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 18.2.3.2.1 to read as follows:

18.2.3.2.1 A fire department access road shall extend to within 50 [ft] feet (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. This provision may be modified when any of the following conditions exist:

1. Buildings not more than 1,000 square feet in size;

or

2. Buildings protected with automatic sprinkler systems in accordance with subsection 13.3.1.2 of this code.

16.04C.430 Subsection 18.2.3.2.1.1 deleted. Section 18.2 of the NFPA 1, as amended by the State Fire Code, is amended by deleting subsection 18.2.3.2.1.1 in its entirety.

16.04C.440 Subsection 18.2.3.6 added. Section 18.2 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 18.2.3.6 to read as follows:

18.2.3.6 Fire department access roads for new subdivisions.

18.2.3.6.1 Dimensions. Fire apparatus access roads for new subdivisions shall have an unobstructed width of not less than 20 feet. All dead-end fire apparatus access ways, for new or proposed subdivisions, shall have an unobstructed width of 32 feet.

EXCEPTIONS:

1. When lot sizes in a proposed subdivision are greater than 20,000 square feet, the requirements of this subsection may be modified.

2. When special design subdivisions are approved by the AHJ, the requirements of this subsection may be modified.

Widths shall be increased when, in the opinion of the AHJ, the proposed widths are not adequate to provide fire apparatus access.

18.2.3.6.2 Multiple access roads for subdivisions. All new subdivisions with more than twenty (20) parcels shall be provided with multiple access roads as approved by the AHJ.

16.04C.450 Subsection 18.3.1 amended. Section 18.3 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 18.3.1 to read as follows:

18.3.1 [A] An approved water supply [approved by the county,] capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, [or] buildings, or portions [thereof,] of buildings are hereafter

constructed, or moved into [or within the county.] the jurisdiction.
The approved water supply shall be in accordance with section 18.4
and annex E of this code. [When any portion of the facility or
building is in excess of 150 feet (45 720 mm) from a water supply
on a fire apparatus access road, as measured by an approved route
around the exterior of the facility or building, on-site fire hydrants
and mains capable of supplying the required fire flow shall be
provided when required by the AHJ. For on-site fire hydrant
requirements see section 18.5.1.

EXCEPTIONS:

1. When facilities or buildings, or portions thereof, are completely protected with an approved automatic fire sprinkler system, the provisions of section 18.3.1 may be modified by the AHJ.

2. When water supply requirements cannot be installed due to topography or other conditions, the AHJ may require additional fire protection as specified in section 18.3.1.1, as amended in this code.

3. When there are not more than two dwellings, or two private garages, carports, sheds and agricultural Occupancies, the requirements of section 18.3.1 may be modified by the AHJ.]

16.04C.460 Subsection 18.3.1.2 added. Section 18.3 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 18.3.1.2 to read as follows:

18.3.1.2 All one- and two-family dwellings (Group R-3 occupancies) and accessory buildings (Group U occupancies) more than 1000 square feet in total area shall be within 500 feet of an approved fire hydrant or standpipe as measured by an approved route. If the proposed building has no water supply for fire protection, the structures may be protected by automatic sprinkler systems per NFPA 13 or NFPA 13D or an approved water supply per the guidelines in NFPA 1142 (Water Supplies for Suburban and Rural Fire Fighting).

EXCEPTIONS:

1. All one- and two-family dwellings under the jurisdiction of the water department.

2. Greenhouses.

16.04C.470 Subsection 18.4.6 added. Section 18.4 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 18.4.6 to read as follows:

18.4.6 Fire flow requirements for new subdivisions.

18.4.6.1 General. A water supply capable of delivering the required fire-flow shall be provided for all new subdivisions in accordance with Section 18.4.6. The design of the system shall be subject to approval by the AHJ.

18.4.6.1.1 Fire flow, hydrant spacing, and dedicated water supply for fire protection shall be in accordance with the requirements for designated land-use of the subdivision: Agriculture, 500 GPM, and 500 feet spacing between hydrants. Rural, 1,000 GPM, and 500 feet spacing between hydrants. Single family, 1,000 GPM, and 350 feet spacing between hydrants. Duplex, 1,250 GPM, and 350 feet between hydrants. Townhouse and low-rise apartments, 1,500 GPM, and 250 feet spacing between hydrants. Businesses, high-rise apartments, and light industry, 2,000 GPM and 250 feet spacing between hydrants. Heavy industry and hotels, 2,500 GPM and 250 feet spacing between hydrants.

18.4.6.2 The water supply shall be provided by hydrants or other connections in accordance with section 18.5 of this code, as approved by the AHJ.

18.4.6.2.1 Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of section 18.2.3.6 of this code.

18.4.6.2.2 On dead-end streets, the last fire hydrant shall be located at one-half the spacing distance from the dead-end. Spacing of fire hydrants shall be measured along the roadway.

18.4.6.3 The duration for all required fire-flows shall be 2 hours.

16.04C.480 Subsection 18.5.2.1 added. Section 18.5 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 18.5.2.1 to read as follows:

18.5.2.1 Fire hydrants and fire department connections that supply fire protection systems shall be within 20 feet of approved fire apparatus access roads in accordance with section 18.2 of this code.

16.04C.490 Subsection 18.5.2.2 added. Section 18.5 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 18.5.2.2 to read as follows:

18.5.2.2 The static pressure for fire service mains shall not exceed 175 psi.

16.04C.500 Subsection 20.1.5.10.3.1 amended. Section 20.1 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 20.1.5.10.3.1 to read as follows:

20.1.5.10.3.1 Every room constituting an assembly occupancy [and not having fixed seats] shall have the occupant load of the room posted in a conspicuous place near the main exit from the room. [101: 12.7.9.3.1; 101: 13.7.9.3.1]

16.04C.510 Subsection 25.1.1 amended. Subsection 25.1.1 of NFPA 1, as amended by the State Fire Code, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Canopy" is a temporary structure, enclosure, or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is open without sidewalls or drops on 75 percent or more of its perimeter.

16.04C.520 Subsection 25.1.11 amended. Section 25.1 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 25.1.11 to read as follows:

25.1.11 Cooking. Cooking operations shall comply with [Chapter] chapter 50 of this code.

25.1.11.1 Temporary cooking operations. Tents where cooking is performed shall be separated from temporary membrane structures, other tents and canopies by a minimum of 20 feet.

25.1.11.2 Outdoor cooking that produces sparks or creates grease-laden vapors shall not be performed within 20 feet of a temporary membrane structure, tent or canopy.

25.1.11.3 Liquefied petroleum gas cylinders shall be

separated from cooking appliances by an approved fire separation wall or a minimum of 10 feet.

16.04C.530 Subsection 25.2.3.1 amended. Section 25.2 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 25.2.3.1 to read as follows:

25.2.3.1 There shall be a minimum of 10 [ft] feet (3050 mm) between stake lines. The distance shall be measured from the tent supports if no stake lines are provided. [101:11.11.3.1]

16.04C.540 Subsection 25.2.3.6 added. Section 25.2 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 25.2.3.6 to read as follows:

25.2.3.6 For the basis of calculating square footage, temporary membrane structures, tents, and canopies separated by a minimum of 10 feet or as approved by the AHJ shall be considered as being separated.

16.04C.550 Subsection 34.8.4 added. Section 34.8 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 34.8.4 to read as follows:

34.8.4 Smoking shall be prohibited in tire storage areas. "NO SMOKING" signs with lettering not less than 6 inches in height and with the principal strokes of letters not less than 3/4" in width, shall be conspicuously posted.

16.04C.560 Subsection 42.7.4.3.3 added. Section 42.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 42.7.4.3.3 to read as follows:

42.7.4.3.3 All dispensing devices shall be in clear view of the attendant at all times. Television cameras shall be installed in all locations where the attendant's clear view of the dispensing devices is impaired. Television monitors shall be installed at the attendant's location for clear viewing of all fuel dispensing activities.

16.04C.570 Subsection 42.7.4.3.4 added. Section 42.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 42.7.4.3.4 to read as follows:

42.7.4.3.4 The attendant shall be able to communicate with persons in the dispensing area at all times.

16.04C.580 Subsection 42.7.5.7 added. Section 42.7 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 42.7.5.7 to read as follows:

42.7.5.7 Television cameras shall be installed in all locations as necessary to provide monitoring of all fuel dispensing activities.

16.04C.590 Subsection 50.2.2.3.4 added. Section 50.2 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 50.2.2.3.4 to read as follows:

50.2.2.3.4 Clearances to combustibles may be reduced to 6 inches with the use of two layers of 5/8 inch Type X gypsum board properly taped and finished.

16.04C.600 Subsection 50.4.6.1 amended. Section 50.4 of the NFPA 1, as amended by the State Fire Code, is amended by amending subsection 50.4.6.1 to read as follows:

50.4.6.1 Upon activation of any fire-extinguishing system for a cooking operation, all sources of fuel and electric power that produce heat to all equipment requiring protection by that system shall automatically shut off. This provision shall apply to all electrical receptacles located under the hood. [96:10.4.1]

16.04C.610 Subsection 50.4.11.2.3 added. Section 50.4 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection

to be designated subsection 50.4.11.2.3 to read as follows:

50.4.11.2.3 All new fire suppression systems protecting commercial cooking appliances and hood exhaust systems shall be tested with the balloon method for acceptance testing or as approved by the AHJ.

16.04C.620 Subsection 60.5.1.9.2 amended. Subsection 60.5.1.9.2 of the NFPA 1, as amended by the State Fire Code, is amended to read as follows:

60.5.1.9.2 Where guard posts are installed, the posts shall meet the following criteria:

(1) They shall be constructed of steel not less than 4 [in.] inches (102 mm) in diameter and concrete filled.

(2) They shall be spaced not more than 3 feet between posts on center.

(3) They shall be set not less than 3 [ft] feet (0.9 m) deep in a concrete footing of not less than a [15 in.] inch (381 mm) diameter.

(4) They shall be set with the top of the posts not less than 3 [ft] feet (0.9 m) above ground.

(5) They shall be located not less than 3 feet (914 mm) from the tank. Tanks of 500-gallon capacity or more or tanks used for dispensing purposes shall have guard posts located a minimum of 5 feet from the tank.

16.04C.630 Subsection 69.3.3.12 added. Section 69.3 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 69.3.3.12 to read as follows:

69.3.3.12 A wall, fence, or other constructed barrier shall not be allowed to reduce the required distance as stated in Table 69.3.3.1 unless approved by the AHJ. Proper installation of the container shall be the responsibility of the installer and supplier.

16.04C.640 Subsection 69.3.6.1.2.1 added. Section 69.3 of the NFPA 1, as amended by the State Fire Code, is amended by adding a new subsection to be designated subsection 69.3.6.1.2.1 to read as follows:

69.3.6.1.2.1 When vehicular protection is required, guard posts shall be installed as stated in subsection 60.5.1.9 of this

code.”

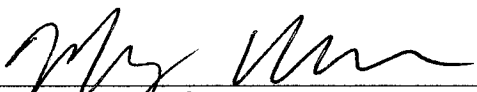
SECTION 4. If any provision of this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions.

SECTION 5. Work performed under a permit issued before the effective date of this ordinance and which is inspected on or after the effective date shall be approved if it meets the requirements of either this code or the code being replaced by this ordinance.

SECTION 6. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 7. This ordinance shall take effect July 1, 2015 after its approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY DEOKA
Deputy Corporation Counsel
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