

ORDINANCE 2007 ---01

AN ORDINANCE OF THE AMERICAN CANYON FIRE BOARD OF DIRECTORS REPEALING FIRE DISTRICT'S CURRENT ORDINANCES AND APPLYING THE NEW ORDINANCE OF THE FIRE DISTRICT, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2007 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE INCLUDING THE FOLLOWING PARTS:

PART 9 California Fire Code

AND AMENDING THOSE PORTIONS OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24 AS IDENTIFIED HEREIN.

The American Canyon Fire Board of Directors does ordain as follows:

Section 1: Repeal American Canyon Fire District Ordinances 90.03, 91.1, 92.2, 93.01 and 2004.01 of the American Canyon Fire District is hereby repealed in their entirety.

Section 2: Purpose and Authority The purpose of this Ordinance is to adopt by reference the 2007 edition of the California Building Standards Code, Title 24, Part 9 of the California Code of Regulations.

Section 3: Ordinance 2007-1 of the American Canyon Fire Districts Ordinances is hereby adopted to read as follows:

Adoption of the California Fire Code

The 2007 California Building Standards Code, Title 24, California Code of Regulations, Part 9, California Fire Code, and by reference the 2006 International Fire Code published by the International Code Council, Inc., including specifically appendices Chapters 1, 4, A, B, C, E, F, G, and H is adopted by reference the same as though fully set forth herein, save and except those portions hereinafter deleted, modified or amended by previous ordinances, of which one (1) copy is available in the Office of the Fire District Clerk for inspection by the public.

Amendments.

The American Canyon Fire Board hereby finds that due to local climatic, geologic and topographic conditions modifications and changes to the current California Fire Code are reasonably necessary to provide sufficient and effective protection of life, health and property. The following section and/or subsections of the California Fire Code (CFC), 2007 Edition, are hereby amended as follows:

The California Fire Code, 2007 Edition, is amended as follows:

1. Subjects Not Regulated By This Code:

Section 102.7.1 is added to Appendix Chapter 1 to read in full as follows:

“102.7.1 Fire extinguishing systems. *Fire extinguishing systems shall comply with the applicable and most current codes and standards currently adopted and published by the National Fire Protection Association (NFPA) and American Canyon Fire District (ACFD) policies.*

Exception: *Automatic sprinkler systems in Group R Occupancies of four stories or less that are designed in accordance with the National Fire Protection Association (NFPA) 13R, shall have sprinklers installed in attics, balconies, porches and open corridors per NFPA 13.”*

2-1. Fire Prevention Bureau Personnel and Police:

Section 103.3 of Appendix Chapter 1 is amended to read in full as follows:

“All sworn safety personnel assigned to the Fire Prevention Division, or such other full-time Fire Department officers or Fire Prevention personnel as may be authorized by the Fire Chief or the Police Chief or both, shall be peace officers as described in Section 830.37(b) of the California Penal Code and shall enforce the Penal Code, California Fire Code, and where necessary and appropriate, any sections of the California Health and Safety Code, and any other county or state fire-related laws or codes not specifically covered in any part of this code. These police powers include the power to issue misdemeanor citations. When requested to do so by the Fire Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist the Fire Department in enforcing the provisions of this code.”

2-2. Fire Service Fees:

Section 104.1.1 is added to Section 104 of Appendix Chapter 1 to read in full as follows:

“104.1.12 Fire service fees. *Fire service fees may be charged to any person, firm, corporation, or business that through negligence, violation of the law, or as a result of carelessness is responsible for the cause of any Fire Department response.”*

2-3. Right of Entry:

Section 104.3.2 is added to Section 104.3 of Appendix Chapter 1 to read in full as follows:

“104.3.2 Photographs and sketches. *During the course of an inspection, the Fire Chief may take photographs and videos or make such sketches as*

he/she/they deem necessary in the performance of their duties hereunder. No person shall interfere with, refuse, or obstruct such persons in the performance of such photographing, filming, or sketching.”

2-4. Obstructing Fire Department Operations:

Section 104.11.2 of Appendix Chapter 1 is amended to read in full as follows:

“Interference with the operations of the Fire Department in connection with extinguishing any fire or mitigating any other emergency, conducting inspections or investigations, or any other Fire Department operation is prohibited. Lawful commands of the Fire Chief or the officer of the Fire Department in charge at such a scene, or any part thereof, or any police or law enforcement officer assisting the Fire Department at or about such scene, shall be obeyed. Any person violating this section shall be guilty of a misdemeanor.”

2-5. Submittals:

Section 105.4.1.1 is added to Section 105.4.1 of Appendix Chapter 1 to read in full as follows:

“105.4.1.1. Review of submittals. *The Fire Chief may review all plans for the construction or remodeling of buildings for the purpose of ascertaining and requiring to be corrected any condition that may cause or lead to a fire, endanger life or safety, create panic, or is a violation of this code, state laws or regulations, or any other local ordinances, regulations, or requirements that he or she may deem necessary or proper. The Fire Chief may establish a schedule of fees, as approved by resolution of the Fire Board, to be charged and collected for plan checking and other required inspection services.”*

2-6. Plan Review Section:

Section 105.4.1.2 is added to Section 105.4.1 of Appendix Chapter 1 to read in full as follows:

“105.4.1.2. Permit to install or change fire protection equipment or systems. *A permit from the Fire Department shall be required in order to install, alter, modify, or change any fire hydrant, fire extinguishing system, or fire alarm system.”*

2-7. Carnivals, Fairs, and Special Events:

Section 105.6.4 of Appendix Chapter 1 is amended to read in full as follows:

“An operational permit from the Fire Department is required in order to conduct a carnival, fair, or special event that involves field inspections by Fire Department personnel to ensure compliance with this code.”

2-8. Fire Permit Fees:

Section 105.7.14 is added to Section 105.7 of Appendix Chapter 1 to read in full as follows:

“105.7.14. Permit fees. *The Fire Chief may establish a schedule of fees, as approved by resolution of the Fire Board, to be charged and collected for the issuance of permits pursuant to Section 105 of this code.”*

2-9. Board of Appeals:

Section 108 of Appendix Chapter 1 is amended to read in full as follows:

108.1 Appeal Process *“When a person claims that the provisions of this code do not apply, or that the intent, purpose, or meaning of this code has been misconstrued or wrongly interpreted by the Fire Chief, such person may, within 30 days from the date of such decision of the Fire Chief, appeal the matter in writing to the Fire District Board of Directors who shall consider and render a decision on the appeal. Such decision of the Fire Board shall be final.”*

108.2 Limitations of Authority. *The Building and Fire Code Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code, nor shall the Board be empowered to waive requirements of this code.*

2-10. Stopping Use, Evacuation:

Section 109.3.2 is added to Section 109.3 of Appendix Chapter 1 to read in full as follows:

“109.3.2. Orders to Stop Work or Evacuate. *The Fire Chief is authorized to order a stop to any operation, construction, or use or to evacuate any premises, building or vehicle or portion thereof that, in his or her judgment, is a hazardous condition, poses a threat to life, safety, or property, or is a violation of this code, Fire Department requirements, or any other regulation, ordinance, or law. The failure to comply with such order shall be a misdemeanor.”*

2-11. Abatement of Hazards:

Section 109.3.3 is added to Section 109.3 of Appendix Chapter 1 to read in full as follows:

“109.3.3. Abatement of hazards. *In situations where the immediate abatement of a fire hazard or other potentially hazardous condition is required, the Fire Chief shall have the authority to abate such hazard or condition immediately. Abatement measures may include, but are not limited to, confiscation or removal of the item(s) causing or contributing to the fire hazard or potentially hazardous condition; temporary closure of a building, structure, or occupancy threatened by the hazard or potentially hazardous condition; extinguishing unsafe or illegal fires; or to utilize any other method of abatement deemed appropriate by the Fire Chief under the*

circumstances. At the Fire Chief's discretion, the cost of abatement may be charged to the owner of the property affected and, if not paid, may become a lien upon the property or the affected property confiscated, provided the owner thereof is given prior notice of the action to be taken and afforded due process of law."

2-12. Infraction Citations:

Section 109.3.4 is added to Section 109.3 of Appendix Chapter 1 to read in full as follows:

"109.3.4 Issuance of citation. *Any person who operates or maintains an occupancy or use or a vehicle that is a hazard and in conflict with the provisions this code and who fails to take immediate action to abate such hazard when ordered to do so by the Fire Chief or other Fire Department official or employee who is authorized to issue citations shall be subject to citation."*

2-13. Unsafe Buildings:

Section 110.5 is added to Section 110 of Appendix Chapter 1 to read in full as follows:

"110.5 Unsafe buildings. *It shall be unlawful to leave or maintain any building in an unsafe condition or maintain any building in a manner that is a public nuisance, a threat to life, safety, or property, or a fire hazard. The Fire Chief may order or cause the abatement of such nuisance, threat, or hazard as specified in Section 109.3.3 of this code."*

3. One and two-family dwellings:

Section B105.1 of Appendix B is amended to read in full as follows:

"The minimum fire-flow for one and two-family dwellings shall be not less than 1,500 gallons per minute at 20 p.s.i. residual pressure. The fire flow duration shall be in accordance with Table B105.1 of this code.

Exception: *A reduction to 1,000 gallons per minute at 20 p.s.i. residual pressure may be granted by the Fire Chief in his or her sole discretion under either of the following:*

- 1. The building is protected throughout with an automatic fire sprinkler system in accordance with N.F.P.A. 13-D, and ACFD requirements, and the applicant has submitted a written statement to the Fire Chief explaining the practical difficulties that preclude the applicant from providing the required 1,500 gallons per minute at 20 p.s.i. fire-flow.*

4. **111.2.1.1 Enforcement:** Section 111.2.1.1 item 1 is deleted and replaced with the following:

1. The City of American Canyon shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 dwellings, as described in Section 310.1 of Part 2 of the California Building Standards Code, to the Chief of the American Canyon Fire Protection District.

5-1. **Definitions:**

Section 202 of Chapter 2 is amended to include the following definitions:

- 5-2. **"FIRE TRAIL:** *An approved dirt road at least 18 feet wide, installed for the purpose of providing Fire Department access to wildland and open space areas during dry seasons of the year."*
- 5-3. **"FIREBREAK:** *A strip devoid of flammable vegetation, such as a strip of bare mineral soil or irrigated landscaping (i.e. green belt), which can be used as a barrier to the spreading of fire without modification or improvement."*
- 5-4. **"MEMBER:** *Any person involved in performing the duties and responsibilities of the Fire Department, under the auspices of the Fire Department organization for the purposes of this code. A Fire Department member may be a full-time or a part-time employee, a paid or unpaid volunteer, may occupy any position or rank within the Fire Department, and may or may not necessarily engage in emergency operations."*

6. **Asphalt Kettles:**

Section 303.3 of Chapter 3 is amended to read in full as follows:

"Fuel cylinders or containers used with asphalt (tar) kettles or equipment shall be securely mounted and placed in such a manner as approved by the Fire Chief. All fuel lines from cylinders or containers shall be supported and/or securely mounted as approved by the Fire Chief."

7. **Abatement of Waste Material, Weeds, and Dry Grass:**

Section 304.1.4 is added to Section 304.1 of Chapter 3 to read in full as follows:

"304.1.4 Accumulation of combustible materials. *It shall be unlawful to accumulate or allow to accumulate or exist on any property any combustible waste matter, rubbish, weeds, dry grass, or other matter that creates a public nuisance, poses a threat to life, safety, or property, or creates a fire hazard. The Fire Chief may order or cause the abatement of such hazard or nuisance in the manner specified in Section 109.3.3 of this code."*

8. **Open Fires:**

Section 307.1.2 is added to Section 307.1 of Chapter 3 to read in full as follows:

“307.1.2 Open fires. *No person may ignite, permit or maintain an open fire, including incinerators, open burning, and recreational fires, within the Fire District’s limits.”*

Exceptions:

1. *Fires permitted by the Fire Chief for the burning of tree trimmings from commercial orchard operations exceeding 5 acres in size.*
2. *Fires properly contained in a barbecue pit, barbecue grill, approved outdoor fire pit, or approved outdoor fireplace when located in lawfully occupied premises or designated campsites.*
3. *Fires set or permitted by the Fire Chief in the performance of official duties, including, but not limited to, the following:*
 - 3.1. *Disease and pest control prevention in connection with agricultural activities.*
 - 3.2. *Improvement of wildlife habitat.*
 - 3.3. *The training of Fire Department members.*
 - 3.4. *Other special situations, as approved by the Fire Chief in his or her discretion, on a case by case basis.”*

9. Fire Apparatus Road Dimensions:

Section 503.2.1 of Chapter 5 is amended to read in full as follows:

“The required width of any fire apparatus access road, fire trail, fire lane, or driveway marked in accordance with Section 503.3, shall not be obstructed in any manner, including, but not limited to, by vehicles that are parked or left standing. Minimum required widths and clearances established under this Section shall be maintained at all times. Any obstructions in violation of this Section may be removed in the manner specified in Section 109.3.3 of this code.”

10. Fire Apparatus Access Roads:

Section 503.2.8 is added to Section 503.2 of Chapter 5 to read in full as follows:

“503.2.8 Parking. *Parking may be prohibited on or along a fire apparatus access road if in the judgment of the Fire Chief it is necessary to maintain clear and unobstructed access. The Fire Chief may require the owner, lessee, or other person in charge of the premises to paint the curbs red, install signs, or give other appropriate notice that parking is prohibited. It shall thereafter be unlawful*

for any such owner, lessee, or other person in charge to fail to install and maintain in good condition the painted curbs, signs, or other appropriate notice so prescribed.”

11. Address Numbers:

Section 505.1 of Chapter 5 is amended to read in full as follows:

“Approved addresses shall be provided for all new and existing buildings or businesses and shall be located in such a position as to be plainly visible and legible from the street or road fronting the property. Address numbers and/or letters shall contrast with their background. In addition, any business that affords vehicular access to the rear through any driveway, alleyway, or parking lot shall also be required to display the address number(s) on the rear of the building.”

12. Diagram for Multi-Dwelling and Commercial Complexes:

Section 505.1.1 is added to Section 505.1 of Chapter 5 to read in full as follows:

“505.1.1 Multiple dwelling or commercial complexes. *At each main driveway entrance to a multiple dwelling or commercial complex, there shall be posted and positioned an illuminated diagram or map of the complex, which lists the individual addresses of all units in the complex. It shall thereafter be unlawful for any owner, lessee, or other person in charge to fail to update and maintain said diagram or map in good working condition.”*

13. Fire Protection Water Supplies:

Section 508.5.1 of Chapter 5 is amended to eliminate Exceptions 1 and 2 and to read in full as follows:

“Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet (122 m) from a fire hydrant 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 water mains shall be provided where required by the fire code official.”

14. Obstruction of Fire Protection Systems and Hydrants:

Section 508.5.4 of Chapter 5 is amended to read in full as follows:

“No person shall park, stop, or leave standing any vehicle within six (6) feet of any fire hydrant unless the vehicle is attended by a licensed driver who is seated in the front seat and who can immediately move such vehicle in case of necessity. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or hydrants. Posts, fences, vehicles, growth, trash, storage, and other materials or things shall not be placed

or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment of fire hydrants from being immediately discernible.”

15. Fuel Fired Appliances:

Section 603.4 of Chapter 6 is amended to eliminate the Exception and to read in full as follows:

“The use of portable un-vented oil-burning heating appliances is prohibited in all buildings and structures.”

16. Chimneys And Appliances:

Section 603.6.6 is added to Section 603.6 of Chapter 6 to read in full as follows:

“603.6.6 Chimneys and Internal Combustion Engines.

603.6.6.1 Chimneys. *Chimneys used in conjunction with fireplaces, barbecues, incinerators, or outdoor heating/burning appliances in which solid or liquid fuel is used, upon buildings, structures or premises, shall be provided with a spark arrester constructed with heavy wire mesh or other noncombustible material with openings not to exceed ½ inch (12.7 mm).*

603.6.6.2 Internal combustion engines. *The use of internal combustion engines is strictly regulated by requiring the use of spark arrestors and mufflers and restricting the location and use as follows:*

- 1. No person shall use, operate, or allow to be operated, any internal combustion engine that uses hydrocarbon fuels on or about any hazardous fire area unless the engine is equipped with a spark arrester maintained in effective working order.*
- 2. Spark arresters affixed to the exhaust system of engines or vehicles shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.*
- 3. A spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.*
- 4. Engines used to provide power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code.*

5. Turbocharged engines are not subject to this section if all exhausted gases pass 5. *Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition.*"

17. Fire Sprinklers Required:

Section 903.2 of Chapter 9 is amended to read in full as follows:

Regardless of any exception listed above or in the remainder of this code or the California Building Code, all buildings, shall be equipped, throughout, with an approved fully automatic fire sprinkler system."

Note: Buildings in existence prior to the effective date of this Section or its prior equivalent shall be exempt from the provisions of this Section until such time as any one or more of the following conditions occur:

1. Major changes or improvements (exceeding 25% of the fair market value) are made to the building.
2. There is an addition to or change in the building's occupancy classification.

Fire Sprinklers shall not be required if one or more of the following exceptions are met:

1. *Must comply with the American Canyon General Building Standards for residential, multi-family residential, commercial and industrial occupancies.*
2. *When approved by the Fire Code Official spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of no less than 1-hour fire-resistance-rated wall and 2-hour fire-resistance-rate floor/ceiling assemblies.*
3. *Automatic fire sprinkler protection for fixed guideway transit systems shall be as per Section 903.2.17.*
4. *Detached Group U private garages and carports accessory to a Group R-3 occupancy and less than 1,000 square feet.*
5. *Detached pool houses, workshops, barns and similar structures, built in conjunction with existing non-sprinklered single family residences and provided the new structure is less than 1,000 square feet, is not intended for use as a dwelling unit and complies with the separation distances and exterior fire protection ratings of the Building Code.*

6. *Detached non-combustible canopies less than 3,000 square feet in roof area used exclusively for vehicle washing facilities or vehicle fuel dispensing stations.*

7. *Group B or M occupancies less than 600 square feet.*

8. *Detached, unenclosed gazebos or shade structures less than 1,000 square feet.*

9. *Detached restroom facilities associated with golf courses, parks and similar uses.*

10. *Shipping containers used for storage purpose and located not closer than 5 feet to a building, property line or other container.*

903.2.2 Additions. *An automatic sprinkler system shall be installed throughout any existing commercial or residential building when the floor area of the addition (including mezzanines) within any three year period exceeds 50% of the existing floor area of the building or when an additional story is added.*

903.2.3 Alterations or repairs. *For alterations or repairs to existing buildings involving demolition or rehabilitation of more than 50% of the existing floor area, the building shall meet the sprinkler requirements for a newly constructed building.*

Exception: *One time alterations made solely for the purpose of complying with the Americans with Disabilities Act.*

903.2.4 Change of Occupancy. *Any change of occupancy when the proposed new occupancy classification is more hazardous based on a fire and life safety evaluation by the Fire Code Official and Building Code Official, including conversion of buildings to single family residences, accessory dwelling units, bed and breakfast, inns, lodging houses or congregate residences for 10 or less persons or other similar uses an automatic fire sprinkler system shall be installed throughout.*

903.2.5 Floor control valves. *Approved supervised indicating control valves and flow switches shall be provided at the point of connection to the riser on each floor in buildings exceeding two stories in height.*

903.2.7 Group R. *An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.*

903.2.7.2 Group R-3 and Group U Occupancies. *An approved automatic sprinkler system shall be installed in new one- and two-family dwellings and attached private garages in accordance with Section 903.3.1.3 of the California Building Code, where the water service is a minimum of a 5/8" tap off the City's water main. A minimum of a 1-inch water meter shall be installed. Residential or quick-response standard sprinklers shall be used in all dwelling units, additions and Group U Occupancies. The approvals and inspections shall be the responsibility of the Authority Having Jurisdiction.*

An automatic sprinkler system designed in accordance with section 903.3.1.3 shall not be utilized in Group R-4.

903.4.2 Alarms. *Approved audible and visual notification devices shall be connected to every automatic sprinkler system to alert occupants within each separate occupancy or separate residential dwelling unit. Audible alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.*

905.3.1 Building height. *Class I standpipes shall be installed in buildings three or more stories in height with approved outlets provided at each level including the roof when required by the Fire Code Official.*

18. Fire Alarm Response Charges:

Section 907.20.5.1 is added to Section 907.20.5 of Chapter 9 to read in full as follows:

“907.20.5.1. Fire service fees. *Any person, who causes the Fire Department to respond to a fire alarm in any building or structure under his or her control, and who has not provided or maintained required smoke detectors or fire alarm systems after having prior knowledge of such deficiencies, may be subject to the payment of fire service fees.”*

19. Hazard Identification Signs:

Section 2703.5.1.1 is added to Section 2703.5.1 of Chapter 27 to read in full as follows:

“Hazard identification signs. *In addition to the design requirement in Section 2703.5, hazard identification signs shall be made using reflective materials as required by the Fire Chief.*

20. Explosives And Fireworks:

Section 3301.2 is added to Section 3301 of Chapter 33 to read in full as follows:

“3301.2 Storage prohibited. *Storage of explosives and blasting agents within the city limits is prohibited unless specifically authorized by the Fire Chief by issuance of a permit permitting such storage.”*

21. Explosives And Fireworks:

Section 3308.1.2 is added to Section 3308.1 of Chapter 33 to read in full as follows:

“Fireworks prohibited. *The manufacturing, possession, storage, sale, use, and handling of fireworks or pyrotechnics of any kind, including snappers and those described as “safe and sane,” is prohibited.*

Exception: *The Fire Chief may issue ‘special-use’ permits for the possession, storage, use, and handling of fireworks and pyrotechnics by state licensed contractors.”*

22. Aboveground Tank Storage of Flammable Combustible Liquids Outside:

Section 3406.2.4.4.1 is added to Section 3406.2.4.4 of Chapter 34 to read in full as follows:

“Tanks outside of buildings. *Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited, unless a special permit is issued by the Fire Chief.”*

Flammable Cryogenic Fluids in Stationary Tanks.

The limits referred to in Section 3204.3.1.1 of the Fire Code of the American Canyon Fire District in which storage of flammable cryogenic fluids in stationary tanks is restricted, are hereby established as follows: within 500 feet of any zoning district or area designated for residential use.

Class I and II Liquids in Outside Aboveground Tanks.

The limits referred to in Sections 3404.2.9.5.1 of the Fire Code of the American Canyon Fire District in which the storage of Class I and Class II flammable or combustible liquids in outside above-ground tanks is restricted are hereby established as follows: areas not zoned IP (Industrial Park) and/or not specifically designated for such use in a District Policy Plan or Specific Plan.

Class I and II Liquids in Above-Ground Tanks

The limits referred to in Section 3406.2.4.4 of the Fire Code of the American Canyon Fire District in which the storage of Class I and Class II flammable or combustible liquids in above-ground storage tanks is restricted are hereby established as follows: areas not zoned IP (Industrial Park) and/or not specifically designated for such use in a District Policy Plan or Specific Plan.

Storage of Liquefied Petroleum Gases

The limits referred to in Section 3804.2 of the Fire Code of the American Canyon Fire District in which storage of liquefied petroleum gas is restricted, are hereby established as follows: within 500 feet of any zoning district or area designated for residential use.

SECTION 4 Findings The American Canyon Fire Board finds and declares that the additions, modifications, and changes made to this code is necessary for the protection of public health, safety, and welfare due to climatic, geological, or topographical conditions. These amendments are authorized under Health and Safety Code Sections 18941.5 and 17958 and are identified as follows:

A) Express Finding Number 1: Climatic. The American Canyon Fire District experiences periods of high temperatures, accompanied by low humidity and seasonal high winds. These conditions create an environment in which the Fire Department would need to fully commit available firefighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have greater difficulty in controlling fires in structures not having built-in fire protection.

B) Express Finding Number 2: Geological. The American Canyon Fire District is located in a region that contains active fault zones: the San Andreas, Hayward, Calaveras and Healdsburg-Rogers Creek. Three active faults are located within Napa County: the Cordelia, Green Valley and West Napa. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in structures, which will increase the availability of firefighting resources after a seismic event.

C) Express Finding Number 3: Topographical. The American Canyon Fire District is divided geographically in to three parts by the north/south orientation of State Highway 29. The east and west portions of the city contain steep hillsides with residential development intermixed. These natural and man made barriers can serve as severe impediments to the delivery of public safety services due increased response times and delays in fire suppression efforts due to flooding or traffic congestion. An extended response time allows fires to grow beyond the control of initial attack fire suppression resources. Built in fire protection in the form of automatic fire sprinklers has proven effective in controlling and extinguishing fires in the incipient stages.

D) Express Finding Number 4: The proposed ordinance amendment is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA). In addition, the proposed ordinance amendment is exempt under the definition of Project in Section 15378 (b)(3) in that it concerns general policy and procedure making.

SECTION 5 Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The Fire District hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 6. Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

SECTION 7. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

I HEREBY CERTIFY that this ordinance was introduced at a regular meeting of the American Canyon Fire District Board of Directors, held on the _____ day of _____, 2007, and ADOPTED AND PASSED at a regular meeting of the American Canyon Fire Board of Directors, held on the _____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Leon Garcia, Mayor/Chair

ATTEST:

Glen E. Weeks, Fire District Clerk