

ORDINANCE NO. 2022-27

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWPORT BEACH, CALIFORNIA, AMENDING TITLE 9
(FIRE CODE) OF THE NEWPORT BEACH MUNICIPAL
CODE TO ADOPT THE 2022 EDITION OF THE
CALIFORNIA FIRE CODE, AS SET FORTH IN TITLE 24,
PART 9 OF THE CALIFORNIA CODE OF
REGULATIONS, WITH LOCAL AMENDMENTS**

WHEREAS, Section 200 of the City of Newport Beach ("City") Charter vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California ("State");

WHEREAS, pursuant to Health & Safety Code Sections 17922 and 18935, the State of California Building Standards Commission ("BSC") has approved the adoption of new model codes relating to design and construction for the protection of life and property;

WHEREAS, the 2022 Edition of the California Fire Code ("CFC") is based on the 2021 International Fire Code. The CFC published by the BSC in Title 24, Part 9 of the California Code of Regulations must be in effect by January 1, 2023. In order to include local amendments and enhance life safety and property protection, the City must complete its adoption process thirty (30) days prior to implementation. The adoption of the 2022 CFC into the Newport Beach Municipal Code ("NBMC") provides for an orderly administration of the 2022 CFC by the City's Building and Fire Code officials;

WHEREAS, local jurisdictions may amend the California Building Standards Code, which includes the 2022 CFC, as necessary to mitigate differences caused by local topographical, geographical, and climatic conditions. In accordance with California Health and Safety Code Section 17958.7, any modifications made via local ordinance must be filed, along with the findings thereto, with the BSC. These local changes will be incorporated into Title 9 of the Newport Beach Municipal Code;

WHEREAS, to aid in efficiency and clarity, portions of Title 9 are amended in their entirety as indicated in this ordinance and replaced with each of these modifications to the State code that are correlated with the findings in Resolution No. 2022-____ adopted by the City Council of the City of Newport Beach on November 15, 2022. When approved, the ordinance and accompanying resolution will be forwarded to the BSC and the California Department of Housing and Community Development as required by state law;

WHEREAS, the various parts of these codes and standards, along with the additions, amendments and deletions adopted in this section, shall continue to be known as the Newport Beach Fire Code;

WHEREAS, all prior references to the former Newport Beach Fire Code shall be construed to apply to the corresponding provisions of the Newport Beach Fire Code contained herein; and

WHEREAS, the 2022 Edition of the California Fire Code is similar to the 2019 version; the attached ordinance contains similar provisions as adopted by the City Council in 2019. Staff has taken the opportunity to review existing amendments in detail and some modifications are recommended.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: Chapter 9.04 of the Newport Beach Municipal Code is deleted in its entirety and amended to read as follows:

**Chapter 9.04
FIRE CODE***

Sections:

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| 9.04.010 | Adoption of the 2022 California Fire Code. |
| 9.04.020 | Amendment of Section 109.6 Overcrowding. |
| 9.04.030 | Amendment of Section 112.4 Violation Penalties. |
| 9.04.040 | Amendment of Section 113.4 Failure to Comply. |
| 9.04.050 | Amendment to Section 202 Definitions. |
| 9.04.060 | Amendment to Section 305 Ignition Sources. |
| 9.04.070 | Amendments to Section 307.4.2 Beach, Camp and Recreational Fires. |
| 9.04.080 | Amendments to Section 308.1.1 Fireplace. |

- 9.04.090 Amendments to Section 308.1.6.3 Sky Lanterns.
- 9.04.100 Addition of Section 324 Geological Surveys.
- 9.04.110 Amendments to Section 503.2.1 Dimensions.
- 9.04.120 Amendments to Section 503.2.4 Turning Radius.
- 9.04.130 Amendments to Section 503.2.5 Dead Ends.
- 9.04.140 Amendments to Section 503.2.7 Grade.
- 9.04.150 Amendments to Section 503.4.1 Traffic Calming Devices.
- 9.04.160 Amendments to Section 503.6 Security Gates.
- 9.04.170 Amendments to Section 505.1.1 Premises Identification.
- 9.04.180 Amendments to Section 506 Key Box Contents.
- 9.04.190 Amendments to Section 510.1 Emergency Responder Radio Coverage in New Buildings.
- 9.04.200 Deletion of Section 510.2 Emergency Responder Radio Coverage in Existing Buildings.
- 9.04.210 Amendments to Section 510.4.2.2 Technical Criteria.
- 9.04.220 Amendments to Section 510.5.2 Approval Prior to Installation.
- 9.04.230 Amendments to Section 510.5.3 Minimum Qualifications of Personnel.
- 9.04.240 Amendments to Section 510.5.4 Acceptance Test Procedure.
- 9.04.250 Amendments to Section 510.6.1 Testing and Proof of Compliance.
- 9.04.260 Addition of Section 511.1 Building Information.
- 9.04.270 Amendments to Section 903.2 Where Required.
- 9.04.280 Amendments to Section 903.2.8 Group R.
- 9.04.290 Amendments to Section 903.3 Installation Requirements.
- 9.04.300 Amendments to Section 907.1 General.
- 9.04.310 Amendments and Additions to Section 912.1 Fire Department Connections.
- 9.04.320 Amendments to Section 912.2 Location.
- 9.04.330 Amendments to Section 1203.1.1 Stationary Generators.
- 9.04.340 Amendments to Section 3602 Definitions.
- 9.04.350 Amendments to Section 3603.6 Berthing and Storage.
- 9.04.360 Amendments to Section 3604.1 General.
- 9.04.370 Amendments to Section 3604.2 Standpipes.
- 9.04.380 Amendment to Section 4905.2 Construction Methods and Requirements Within Established Limits.
- 9.04.385 Amendment to Section 4906.4.2 Trees.
- 9.04.386 Amendment to Section 4907.3 Defensible Space

- Requirements.
- 9.04.390 Amendments to Section 5003.12 Outdoor Control Areas.
 - 9.04.400 Amendments to Section 5004.1 Scope.
 - 9.04.410 Amendments to Section 5601.1.2 Explosive Material Terminals.
 - 9.04.420 Amendments to Section 5601.1.3 Fireworks.
 - 9.04.430 Amendments to Section 5601.2.2 Sale and Retail Display.
 - 9.04.440 Amendments to Section 5704.2.11.1 Underground Tanks.
 - 9.04.450 Amendments to Section 5706.4 Bulk Plants or Terminals.
 - 9.04.460 Amendments to Appendix B Fire-Flow Requirements for Buildings.
 - 9.04.470 Local Agency Very High Fire Hazard Severity Zone.

Section 9.04.010 Adoption of the 2022 California Fire Code.

City Council adopts and incorporates by reference, those certain codes known as the "California Fire Code 2022 Edition," and the whole thereof including the matrix adoption tables for each chapter, and Appendices B, BB, C, CC, E, F, G, I and N therein, errata issued during and after publishing date, save and except such portions as are hereinafter deleted, added or amended which shall collectively be known as the "Newport Beach Fire Code." A certified copy of the California Fire Code shall be kept on file in the Office of the City Clerk of the City of Newport Beach and open for public inspection.

Section 9.04.020 Amendment of Section 109.6 Overcrowding.

Section 109.6 Overcrowding is amended to read as follows:

109.6 Occupant Count. The supervisor of each place of assembly shall have an effective system to keep count of the number of occupants present in the assembly area.

Section 9.040.030 Amendment of Section 112.4 Violation Penalties.

Section 112.4 is amended to read as follows, with all related subsections remaining unchanged unless specifically modified by this ordinance:

112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty and liable in accordance with the Newport Beach Municipal Code.

Section 9.040.040 Amendment of Section 113.4 Failure to Comply.

Section 113.4 is amended to read as follows:

Section 113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine in accordance with the Newport Beach Municipal Code Title One 1.04.010 "Violation, Penalties and Enforcement."

Section 9.040.050 Amendment to Section 202 Definitions.

Section 202 is amended to add the following definitions to read as follows:

CUL-DE-SAC: A street closed at one end, with a circular terminus at the closed end to allow vehicles to turn around.

DEFENSIBLE SPACE: Defensible space is an area either natural or man-made, where plant materials and natural fuels have been treated, reduced, or modified to slow the rate and intensity of an advancing wildfire, and to create an area for firefighters to suppress fire and protect structure(s).

DOCK: A structure linked to the shoreline to which a vessel may be secured. A dock may be fixed to the shore or fixed on pilings, or may float in the water.

FUEL MODIFICATION PLAN: An approved plan which identifies specific fuel modification zones within a property are subject to fuel modification. Fuel modification plans show the area and location of all hardscape/softscape improvements and fuel modifications necessary to

achieve the minimum acceptable level of risk to structures from fires in combustible vegetation.

FUEL MODIFICATION ZONE: A specific area where vegetation has been removed, planted, or modified in conjunction with an approved fuel modification plan that increases the likelihood that a structure will survive a wildfire, improve the defensible space around the structure for firefighting activities, and prevents direct flame contact with structures. Vegetation includes native and ornamental plants, non-native naturalized annual grasses, and other invasive or naturalized species. Fuel modification activities can include removal, partial or total replacement of existing plants with adequately spaced drought-tolerant and fire-resistant species, and thinning of existing native or ornamental species.

HAZARD REDUCTION ZONE: Any geographical area designated by the Fire Chief in which structures directly abut a wildland space on one or more sides.

LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE:

A geographical area designated in accordance with the California Government Code Section 51179, and by City of Newport Beach ordinance, which contains the type and condition of vegetation, topography, climate and structure density which potentially increases the possibility of uncontrolled fire spread through vegetative fuels threatening life or property. For the purposes of this code, Local Agency Very High Fire Hazard Severity Zones shall be considered to be Very High Fire Hazard Severity Zones as defined in Government Code Section 51179.

WILDLAND: An area of unimproved property with vegetative fuels in which development is essentially nonexistent, except for roads, railroads, power lines and similar facilities.

WILDLAND FUELS: Any combustible material in a wildland area.

WILDLAND-URBAN INTERFACE AREA: A geographical area where improved property intersects with wildland or vegetative fuels.

9.04.060 Amendment to Section 305 Ignition Sources.

Section 305 is amended by adding the following:

305.6 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, or is located within 10 feet (3.048 m) of a chimney outlet, shall be cut down and removed by the property owner. Vegetation modification requirements in wildland-urban interface areas shall be in accordance with Section 4901 *et seq.* of this code.

305.7 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3.048 m) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic to be free of flammable vegetation and other combustible growth.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

305.8 Notification and abatement procedures.

305.8.1.1 Notice. Uncontrolled or high weeds, brush, plant material, fire hazards, or other items prohibited under this code increase the danger of fire and thus constitutes a fire hazard. If such condition exists, the fire code official shall give notice to the owner of record to abate the hazard within thirty (30) calendar days.

The notice shall state that the property owner is required to abate the fire hazard and that if the hazard is not abated the City may take further action which can include, (1) the City, or its contractor, may enter upon the parcel of land and remove or otherwise eliminate or abate the hazard, (2) that upon completion of such work the cost thereof, including administrative costs, can be billed to the property owner or can become a special assessment against that parcel, and (3) that upon City Council confirmation of the assessment and recordation of that order, a lien may be attached to the parcel to be collected on the next regular property tax bill levied against the parcel.

305.8.2 Commencement of abatement proceedings. Whenever the fire code official determines that a fire hazard exists, and the owner of a property fails to properly abate hazard in locations adjacent to grass or brush covered land which are located in hazardous fire areas, the fire code

official is ordered to take appropriate correction actions based upon those findings.

305.8.3 Service of notice. The fire code official shall notify the property owner of affected properties as shown on the latest equalized tax assessment roll by certified mail, of the specific conditions that constitute a fire hazard and that the City will take action to abate the fire hazard. Notices shall be mailed not less than fifteen (15) calendar days prior to the date of the proposed abatement.

Failure of any property owner, or any party concerned to receive a notice shall not affect the validity of any proceeding taken, if the procedure for service of notice has been followed.

305.8.4 Appeal. The property owner may appeal the decision of the fire code official regarding the fire code official's determination that a fire hazard exists by sending a written appeal to the fire code official within ten (10) calendar days of the mailing of the notice. The matter will be heard by the Building and Fire Board of Appeals as specified in Section 15.80 of the Newport Beach Municipal Code.

305.8.5 Abatement hearing procedure. All hearings under Chapter 3 of the fire code shall be held before the fire code official or Fire Chief who shall hear all facts and testimony he/she deems pertinent. The facts and testimony may include testimony on the condition of the property and circumstances related to the fire hazard. The owner of the land may appear in person or present a sworn written statement in time for consideration at the hearing. The fire code official or Fire Chief may impose such conditions and take such other action, as he/she deems appropriate to carry out the purpose of the provisions of this chapter. The decision of the fire code official or Fire Chief shall be final and shall be sent to the property owner via certified mail to the owner's address on the latest equalized tax assessment roll within thirty (30) calendar days.

305.8.6 Private property abatement. If any order of the Fire Chief or the fire code official is made pursuant to this ordinance and is not complied with within the period designated, the City may then cause such work to be done to the extent necessary to eliminate the fire hazard and other substandard fire conditions that are determined to exist.

305.8.7 Emergency private property abatement. When in the opinion of the fire code official a substandard structure or substandard property is

an immediate hazard to life and property, and the fire code official makes written findings to the effect that abatement of such a fire hazard requires immediate action, the fire code official may then cause such work to be done to the extent necessary to eliminate the hazard. At least twenty-four (24) hours prior to the abatement, the fire code official shall attempt to contact the property owner to inform the property owner of the work to be done and request their assistance or immediate voluntary removal of the hazard. After the work is performed, the fire code official shall post a notice and mail to the property owner information regarding the nature of the work performed. Any individual aggrieved by the action of the fire code official under this section, may appeal the determination of the action to the Fire Chief, except that the appeal shall be filed within ten (10) calendar days from the date of mailing the notice of work performed.

305.8.8 Abatement costs. The costs involved in the correction of the substandard conditions and fire hazards shall become a special assessment against the property. In addition to the above costs, an administrative processing fee established by resolution of the Council of the City of Newport Beach, shall be assessed against each parcel for City incurred costs associated with abatement. An additional inspection fee shall be established by resolution of the Council of the City of Newport Beach for charges related to inspection services for vegetation hazard identification. The schedule for such fees shall be maintained on file in the City Clerk's office.

The fire code official shall notify, in writing, all parties concerned of the amount of such assessment related to work performed in accordance with Government Code Section 38773.5. The property owner may appeal the fire code official's assessment by sending a written appeal to the fire code official within fifteen (15) calendar days of the mailing of the notice. Any appeal regarding the reasonableness of the assessment of costs shall be heard by the Fire Chief.

If the total assessment determined as provided for in this section is not paid within thirty (30) calendar days after mailing of such notice or after a decision has been rendered on any appeal, the property owner shall be billed. If unpaid, such charges shall be placed as a special assessment on the tax bill for the property pursuant to the procedures set forth in Section 38773.5 of the Government Code which is incorporated herein by this reference.

305.8.9 Other abatement procedures. The provisions of this ordinance shall not in any manner limit or restrict the City from enforcing City ordinances or abating public nuisances in any other manner provided by law.

9.04.070 Amendments to Section 307.4.2 Recreational Fires.

Section 307.4.2 is amended by adding the following:

307.4.2.1 Beach, camp, and recreational fires. No person shall make, set, or maintain any beach or camp/recreational fire at any beach, park, or other public place within the City except in areas where proper containers are provided for such fires by the City and where City signs are plainly posted indicating such fires are permissible.

9.04.080 Amendments to Section 308.1.1 Fireplace.

Section 308.1.1 is amended by adding Section 308.1.1.1

Section 308.1.1.1 Fireplace. No fireplace that uses flammable or combustible liquid as a fuel source shall be allowed inside or outside a structure, except outside for R3 occupancy is allowed.

9.04.090 Amendments to Section 308.1.6.3 Sky Lanterns.

Section 308.1.6.3 is amended as follows:

308.1.6.3 Sky lanterns. A person shall not use or release any sky lantern in the City of Newport Beach.

9.04.100 Addition of Section 324 Geological Surveys.

Section 324 is added as follows:

SECTION 324 GEOLOGICAL SURVEYS

324.1 General. Development on or near land containing or emitting toxic, combustible or flammable liquids, gases, or vapors.

324.2 Geological surveys. The fire code official may require the submittal for review and approval of geological studies, evaluations,

reports, remedial recommendations and/or similar documentation from a state-licensed and department approved individual or firm, on any parcel of land to be developed which:

1. Is within 1,000 feet (304.8 m) of a parcel of land that has an active, inactive, or abandoned oil or gas well operation, petroleum or chemical refining facility, petroleum or chemical storage;
2. May contain or give off toxic, combustible or flammable liquids, gases, or vapors; or
3. Modifications to existing systems.

9.04.110 Amendments to Section 503.2.1 Dimensions.

Section 503.2.1 is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6.1m) and shall not be less than 26 feet (7.92 m) within 30 feet (9.14 m) of a fire hydrant, except when the road passes through approved security gates in accordance with Section 503.6. Roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches (4.1m).

9.04.120 Amendments to Section 503.2.4 Turning Radius.

Section 503.2.4 is amended to read as follows:

503.2.4 Turning radius. The turning radius for fire apparatus access roads shall be not less than 20 feet (6.1m) inside radius and 40 feet (12.2m) outside radius.

Exception: Cul-de-sacs with center obstructions may require larger turning radius as approved by the fire code official.

9.04.130 Amendments to Section 503.2.5 Dead Ends.

Section 503.2.5 is amended to read as follows:

503.2.5 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet (60.96 m) in length shall be provided with an approved

cul-de-sac for turning around fire apparatus without backing up.

9.04.140 Amendments to Section 503.2.7 Grade.

Section 503.2.7 is amended to read as follows:

503.2.7 Grade. The gradient for a fire apparatus access road shall not exceed ten percent.

9.04.150 Amendments to Section 503.4.1 Traffic Calming Devices.

Section 503.4.1 is amended to read as follows:

503.4.1 Traffic calming devices. Any traffic calming devices in required access roadways when approved by the fire code official, shall be in accordance with the Newport Beach Public Works Department's Neighborhood Traffic Management Policy.

9.04.160 Amendments to Section 503.6 Security Gates.

Section 503.6 is amended to read as follows:

Section 503.6 Vehicle Access Gates. Vehicle access gates or barriers installed across a fire apparatus access road shall be in accordance with the City's Guidelines and Standards C.01 Emergency Fire Access: Roadways, Fire Lanes, Gates, and Barriers. The minimum width of any gate or opening necessary or required as a point of access shall be not less than 14 feet (4.27 m) unobstructed width. This minimum width may be increased depending on the length of the approach.

9.04.170 Amendments to Section 505.1.1 Premises Identification.

Section 505.1 is amended by adding Section 505.1.1 to read as follows:

505.1.1 Premises Identification. All multi-unit residential and commercial buildings shall have numbers or addresses placed above or immediately adjacent to all doors that allow fire department access. In no case shall the numbers be less than six inches (152 mm) in height with a one-inch (25 mm) stroke. Address numbers shall contrast with their background, and shall be either internally or externally illuminated to be visible at night.

All multi-unit residential and commercial buildings shall have numbers or addresses placed above or immediately adjacent to all doors that allow fire department access.

9.04.180 Amendments to Section 506 Key Box Contents.

Section 506 is amended by adding Section 506.3 to read as follows:

506.3 Key box contents. When a Key box is required the following types of keys shall be provided:

- A. Keys to locked points of ingress whether on the interior or exterior of the building.
- B. Keys to locked mechanical equipment rooms.
- C. Keys to locked electrical rooms.
- D. Keys to elevator controls.
- E. Keys to other areas as directed by the fire code official.

9.04.190 Amendments to Section 510.1 Emergency Responder Radio Coverage in New Buildings.

Section 510.1 is amended to read as follows:

510.1 Emergency responder radio coverage in new buildings. Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided in all new buildings. In-building, two way emergency responder communication coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. The emergency responder radio coverage system shall comply with the requirements of the Orange County Sheriff's Department, Communications and Technology Division, and where the functionality of performance requirements in the California Fire Code are more stringent, this code.

Exceptions:

1. Where it is determined by the fire code official that the radio coverage system is not needed.
2. In facilities where emergency responder radio coverage is required and such systems, components, or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.

This chapter shall not apply to the following:

1. Existing buildings or structures.
2. One and two family dwellings.
3. Elevators.
4. Structures that are three stories or less without subterranean storage or parking and that do not exceed 50,000 square feet on any single story.
5. Wood-constructed residential structures four stories or less without subterranean storage or parking which are not built integral to an above ground multi-story parking structure.

For structures that are three stories or less in height, that do not exceed 50,000 square feet on any single story, but includes subterranean parking or storage, this ordinance shall apply only to the subterranean areas.

9.04.200 Deletion of Section 510.2 Emergency Responder Radio Coverage in Existing Buildings.

Section 510.2 is deleted in its entirety.

9.04.210 Amendments to Section 510.4.2.2 Technical Criteria.

Section 510.4.2.2 is amended to read as follows:

510.4.2.2 Technical criteria. The fire code official shall maintain a document providing the specific technical information and requirements for the emergency responder radio coverage system. This document shall contain, but not be limited to, the various frequencies required, the location of radio sites, effective radiated power of radio sites, and other supporting technical information, including:

1. The frequency range supported from the 800MHz Countywide Communications System shall be 851-824 MHz (base transmitter frequencies).
2. The frequency range supported from the 800MHz Countywide Communications System shall be 806-824 MHz (radio field transmit frequencies).
3. The public safety radio amplification system shall include filters to reject frequencies below 851 MHz and frequencies above 869 MHz by a minimum of 35dB.
4. All system components must be 100 percent compatible with analog and digital modulations after installation, without adjustments or modifications. The systems must be capable of encompassing the frequencies stated herein and capable of future modifications to a frequency range subsequently established by the jurisdiction.
5. Active devices shall have a minimum of -50 dB 3rd order intermodulation protection.
6. All active in-building coverage devices shall be FCC Part 90 certified.

9.04.220 Amendments to Section 510.5.2 Approval Prior to Installation.

Section 510.5.2 is amended to read as follows:

510.5.2 Approval prior to installation. Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC shall not be installed without prior plan submittal, coordination, and approval from the Orange County Sheriff's Department (OCSD) Communications Division; with a copy provided to the fire and building code official.

9.04.230 Amendments to Section 510.5.3 Minimum Qualifications of Personnel.

Section 510.5.3 is amended to read as follows:

510.5.3 Minimum qualifications of personnel. The minimum qualifications of the system designer and lead installation personnel shall include both of the following:

1. A valid FCC-issued general radio operators license.
2. Certification of in-building system training issued by, a nationally recognized organization, school or a certificate issued by the manufacturer of the equipment being installed.

9.04.240 Amendments to Section 510.5.4 Acceptance Test Procedure.

Section 510.5.4 is amended to read as follows, with all related subsections remaining unchanged unless specifically modified by this ordinance:

510.5.4 Acceptance test procedure. When an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested by a qualified FCC licensed third party technician to ensure that two-way coverage on each floor of the building is not less than a minimum of 95 percent. The test procedure shall be conducted as follows:

9.04.250 Amendments to Section 510.6.1 Testing and Proof of Compliance.

Section 510.6.1 shall be amended as follows:

510.6.1 Testing and proof of compliance. The owner of the building or their representative shall have the emergency responder radio coverage system inspected and tested annually or whenever structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:

1. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance or set to optimize the performance of the system. In-building system components shall be

tested to determine general function operability. If noncompliance is found, the FCC licensed technician will assess improvements necessary and provide such information to OCSD Communications, and the fire and building code official.

2. Backup batteries and power supplies shall be tested under load for a period of 1 hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.

3. All other active components shall be checked to verify operation within the manufacturer's specifications.

4. At the conclusion of the testing, a certification report, which shall verify compliance with Section 510.5.4, shall be submitted to OCSD Communications and the fire and building code official.

9.04.260 Addition of Section 511.1 Building Information.

Section 511.1 is added to read as follows:

511.1 Building information. The fire code official is authorized to require a cabinet for onsite storage of pre-plans and other building information that is accessible to the fire code official.

9.04.270 Amendments to Section 903.2 Where Required.

Section 903.2 is amended to read as follows, with related subsections remaining unchanged unless expressly modified by this ordinance:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the following locations: "**Building Area**" as used in this section shall mean gross building area enclosed within exterior walls.

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.12, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet (465 m²), unless more restrictive requirements are required by other provisions of the code.

2. **Existing buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when any of the following conditions exists:

- a. When an addition is 50% or more of the existing building area and the resulting building area exceeds 5,000 square feet (465 m²),
- b. When an additional story is added above the second floor regardless of fire areas or allowable are.
- c. When an addition is added and the existing building is already provided with an automatic fire sprinkler system.
- d. More restrictive requirements are required by other provisions of the code.

9.04.280 Amendments to Section 903.2.8 Group R.

Section 903.2.8 Group R is amended to read as follows, with related subsections remaining unchanged unless expressly modified by this ordinance:

Section 903.2.8 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 as follows:

1. **New buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
 - a. An addition when the increase in building size is 2,000 sq. ft. or more and exceeds 50% of the area of the existing structure.
 - b. An addition, when the existing building is already provided with an automatic sprinkler system.
 - c. As determined for new construction per Section 102.4.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies and not housing bedridden clients, not housing non-ambulatory clients above the first floor, and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 435.8.3.3 of the California Building Code.
3. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
4. The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.
5. Pursuant to Health and Safety Code, Section 13113, occupancies housing ambulatory children only, none of whom are mentally ill children or children with intellectual disabilities, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and building or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
6. Pursuant to Health and Safety Code, Section 13143.6, occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with in Section 504.2 or 506.3 of the California Building Code, an automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be allowed in Group R-2.1 occupancies.

An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

9.04.290 Amendments to Section 903.3 Installation Requirements.

Section 903.3 is amended to read as follows, with related subsections remaining unchanged unless expressly modified by this ordinance:

903.3 Installation requirements. Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1 through 903.3.8 and in accordance with City's Guidelines and Standards F.02 Fire Sprinkler System Design Pressure.

9.04.300 Amendments to Section 907.1 General.

Section 907.1 is amended by adding Section 907.1.6 to read as follows:

907.1.6 System design. No building shall have more than one fire alarm panel. All fire detection and protection devices shall operate and be connected to the building fire alarm panel.

Smoke detectors connected to the alarm system shall have a visible indicator that displays the status of the detector. When a detector is located in a space above a drop ceiling, an indicating light shall be provided and plainly visible.

Exception: Smoke detectors installed with an addressable alarm system capable of showing the approximate location of all activating devices.

9.04.310 Amendments and Additions to Section 912.1 Fire Department Connections.

Section 912.1 is amended by adding Section 912.1.1 to read as follows:

912.1.1 Installation. The size of piping and the number of inlets shall be approved by the fire code official. All fire department connections shall be listed assemblies. Fire department inlet connections shall be painted OSHA safety red unless otherwise approved by the fire code official. When the fire flow demand of a sprinkler system is 500 gpm or greater, including the interior hose stream demand if a standpipe system is installed, four 2 1/2" inlets shall be provided.

9.04.320 Amendments to Section 912.2 Location.

Section 912.2 is amended to read as follows:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the fire department connection shall be no more than 100 feet (30.48 m) from a public hydrant. When possible, the fire department connection shall be located 30 feet (9.14 m) minimum from beginning of radius for driveway

approach. The location of fire department connections shall be approved by the fire code official.

9.04.330 Amendments to Section 1203.1.1 Stationary Generators.

Section 1203.1.1 is amended to add Section 1203.1.1.1 to read as follows:

1203.1.1.1 Emergency power outlets. Provide and install electrical outlets (120 volt, duplex) that are connected to the emergency generator circuitry/system when a generator is required by Section 1203.2 of the California Fire Code in every fire control room and in other areas as may be designated by the fire code official. Emergency outlets shall be placed in the following locations:

1. In the main exit corridor of each floor adjacent to each exit enclosure.
2. On every level in every stairwell.
3. In each elevator lobby.
4. In public assembly areas larger than 1,500 square feet.
5. In every fire control room.
6. In such other areas as may be designated by the fire code official.

9.04.340 Amendments to Section 3602 Definitions.

Section 3602.1 is amended to add the following:

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9.04.350 Amendments to Section 3603.6 Berthing and Storage.

Section 3603.6 is amended by adding Sections 3603.6.1 and 3603.6.2 to read as follows:

3603.6.1 Multiple berthing and vessel rafting. All vessels in marinas shall be arranged such that a vessel occupying a slip can be readily removed in an emergency without the necessity of moving other vessels.

Exceptions:

1. Tenders or dinghies may be tied to a vessel's stern without the need of an action plan providing the length of the tender or dinghy does not exceed the width of the vessel's beam.
2. Vessels with beams of less than 14 feet are permitted to have a tender or dinghy, up to a maximum of 14 feet in length, tied to the vessel's stern.

3603.6.2 Permitted multiple berthing. A permit may be issued for multiple berthing under the following conditions:

1. Multiple berthing occurs between the hours of 0700 to 1800. An action plan must be developed by the applicant indicating:
 - a. How the vessels will be moved in the event of a fire.
 - b. The person is responsible for moving the vessels.
 - c. Where the vessels will be relocated to after 1800 hours.
 - d. How employee training and emergency communications are being provided.
2. The multiple berthing is necessary for a special event or other extenuating circumstances and will occur for a limited period of time, which shall be approved by the fire code official and per City's Guidelines and Standards A.10 Multiple Berthing and/or Rafting at Special Events.

9.04.360 Amendments to Section 3604.1 General.

Section 3604.1 is amended to read as follows:

3604.1 General. Piers, marinas, wharves, docks, and floats serving boatyards, hotels, yacht clubs, boat condominiums, docking facilities associated with residential condominiums and multiple family residences with facilities for mooring or servicing vessels, and marine motor vehicle fuel-dispensing facilities stations shall be equipped with fire protection equipment in accordance with Sections 3604.2 through 3604.6.

9.04.370 Amendments to Section 3604.2 Standpipes.

Section 3604.2 Standpipes is amended to read as follows:

3604.2 Standpipes. When any portion of a pier, marina, wharf, dock, or float is more than 150 feet from a fire apparatus access road, it shall be equipped with a Class III standpipe system installed in accordance with NFPA 303 and City's Guidelines and Standards F.01. Fire Protection for Marinas, Wharfs, and Piers.

9.04.380 Amendment to Section 4905.2 Construction methods and requirements within established limits.

Section 4905.2 is amended by adding Section 4905.2.1 to read as follows:

Section 4905.2.1 Required ventilation screening for existing structures. All structures with the identified Very High Fire Severity Zones with ventilation openings shall comply with all of the following:

1. Vents shall be covered with a mesh where the dimensions of the mesh therein shall be a minimum of 1/16" and shall not exceed 1/8" in diameter.
2. The mesh material shall be non-combustible.
3. The mesh material shall be corrosion resistant.

9.04.385 Amendment to Section 4906.4.2 Trees.

Section 4906.4.2 is amended by adding the following subsection 4 to read as follows:

4. Existing trees shall be trimmed so no portion of the tree shall hang over or touch new and existing structures.

9.04.386 Amendment to Section 4907.3 Defensible space requirements.

Section 4907.3 is amended by adding Section 4907.3.1 to read as follows:

Section 4907.3.1 Required noncombustible zone. A 1-foot (305 mm) wide noncombustible zone is required at the base of all new and

existing structures. Materials may include, but not limited to, concrete, brick, pavers, gravel, and decomposed granite.

9.04.390 Amendments to Section 5003.12 Outdoor Control Areas.

Section 5003.12 is amended by adding the following subsection 5 to read as follows:

5. Outdoor control areas shall be protected against tampering or trespassers by fencing or other control measures as approved by the fire code official.

9.04.400 Amendments to Section 5004.1 Scope.

Section 5004.1 is amended by adding Section 5004.1.1 to read as follows:

5004.1.1 Maximum quantity on site. No person shall use or store any amount of Extremely Hazardous Substances (EHS) equal to or greater than the amounts disclosed as listed in Appendix A, Part 355, Title 40, of the Code of Federal Regulations in a residential zone or adjacent to property developed with residential uses, unless approved mitigation measures are implemented and maintained, as required by the fire code official.

9.04.410 Amendments to Section 5601.1.2 Explosive Materials Terminals.

Section 5601.1.2 is amended to read as follows:

5601.1.2 Storage of explosives and blasting agents. No person shall store explosives or blasting agents anywhere in the City of Newport Beach unless the fire code official has issued a permit authorizing use and/or storage.

9.04.420 Amendments to Section 5601.1.3 Fireworks.

Section 5601.1.3 is amended to read as follows:

5601.1.3 Fireworks. No person shall store, use, sell, possess, or handle fireworks 1.4G, (commonly referred to as "Safe and Sane") and fireworks 1.3G anywhere in the City of Newport Beach.

Exception: Fireworks 1.4G and fireworks 1.3G may be part of an electronically fired public display when permitted by the fire code official and conducted by a licensed pyrotechnic operator.

9.04.430 Amendments to Section 5601.2.2 Sale and Retail Display.

Section 5601.2.2 is amended to read as follows:

5601.2.2 Sale and Retail Display: Persons shall not conduct a retail display nor offer for sale explosives, explosive materials or fireworks on highways, sidewalks, public properties anywhere in the City of Newport Beach.

9.04.440 Amendments to Section 5704.2.11.1 Underground Tanks.

Section 5704.2.11.1 is amended by adding subsection 4 to read as follows:

4. The underground storage of flammable liquids shall be prohibited in any residential district or any residential area of a planned community district, as defined in Section 20.14.020 of the Newport Beach Municipal Code.

9.04.450 Amendments to Section 5706.4 Bulk Plants or Terminals.

Section 5706.4 is amended to read as follows, with related subsections remaining unchanged unless expressly modified by this ordinance:

5706.4 Bulk plants or terminals. Portions of properties where flammable and combustible liquids are received by tank vessels, pipelines, tank cars or tank vehicles and are stored or blended in bulk for the purpose of distributing such liquids by tank vessels, pipelines, tank cars, tank vehicles or containers are prohibited within the boundaries of the City of Newport Beach except as permitted by the fire code official. Approved installations shall comply with Sections 5706.4.1 through 5706.4.10.4.

9.04.460 Amendments to Appendix B Fire-Flow Requirements for Buildings.

Section B105.2 is amended to read as follows:

B105.2 Buildings Other Than One-and Two- Family Dwellings, Group R-3 and R-4 buildings and townhouses. The minimum fire- flow and flow-duration for buildings other than one-and two-family dwellings, shall be as specified in Tables B105.1(1)

Exception: A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1. The resulting fire flow shall not be less than 1,500 gallons per minute (5677.5 L/min.) for the prescribed duration as specified in Table B105.1(2).

9.04.470 Local Agency Very High Fire Hazard Severity Zone.

The City of Newport Beach designates those areas identified in green on the map attached to the ordinance codified in this section and on file with the City Clerk as the Local Agency Very High Fire Hazard Severity Zone for the City in accordance with Section 51179 of the Government Code.

Section 2: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, the code amendment is exempt from the CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This code amendment itself does not authorize development that would directly result in physical change to the environment.

Section 5: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in Title 24, Part 9 (Fire Code) and the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 6: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance and the City Clerk shall cause the same to be published pursuant to City Charter Section 414 and California Government Code Section 50022.1 *et seq.* This ordinance shall take effect on January 1, 2023, pursuant to California Health and Safety Code Sections 17958 and 18941 and Government Code Section 36937(e).

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 15th day of November, 2022, and adopted on the 29th day of November, 2022, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

KEVIN MULDOON, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY

Attachment: Section 9.04.470 Local Agency Very High Fire Hazard Severity Zone Map

