

ORDINANCE NO. 1637

AN ORDINANCE OF THE CITY COUNCIL OF SAN CLEMENTE  
AMENDING CHAPTER 8.16 OF THE SAN CLEMENTE MUNICIPAL  
CODE AND ADOPTING FIRE CODE REGULATIONS FOR THE  
CITY OF SAN CLEMENTE

THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE DOES HEREBY ORDAIN AS  
FOLLOWS:

**Section 1.** Chapter 8.16 of the San Clemente Municipal Code is hereby amended  
to read in its entirety as follows:

**Chapter 8.16 FIRE CODE**

- 8.16.010 Fire Code Adopted.
- 8.16.020 Enforcement and Inspections.
- 8.16.030 Division II of Chapter 1 amended —  
Administration.
- 8.16.040 Chapter 2 amended — Definitions.
- 8.16.050 Chapter 3 amended — General Requirements.
- 8.16.060 Chapter 4 amended — Emergency Planning and  
Preparedness.
- 8.16.070 Chapter 5 amended — Fire Service Features.
- 8.16.080 Chapter 6 amended — Building Services and  
Systems.
- 8.16.090 Chapter 9 amended — Fire Protection Systems.
- 8.16.100 Chapter 11 amended — Construction  
Requirements for Existing Buildings.
- 8.16.110 Chapter 20 amended — Aviation Facilities.
- 8.16.120 Chapter 28 amended — Lumber Yards and  
Woodworking Facilities.
- 8.16.130 Chapter 49 amended — Requirements for  
Wildland-Urban Interface Fire Areas
- 8.16.140 Chapter 50 amended — Hazardous Materials —  
General Provisions.
- 8.16.150 Chapter 55 amended — Cryogenic Fluids.
- 8.16.160 Chapter 56 amended — Explosives and  
Fireworks.
- 8.16.170 Chapter 57 amended — Flammable and  
Combustible Liquids.
- 8.16.180 Chapter 60 amended — Highly Toxic and Toxic  
Materials.
- 8.16.190 Chapter 80 amended — Referenced Standards  
(NFPA 13, NFPA 13R, NFPA 13D, NFPA 14,  
NFPA 24)

**8.16.010 Fire Code Adopted**

The 2016 California Fire Code, based on the International Fire Code, 2015 Edition, with errata, published by International Code Council (ICC), and the whole thereof, including Appendices A, B, BB, C and CC is hereby adopted by the City of San Clemente for the purpose of prescribing regulations governing conditions hazardous to the life and property from fire or explosion, save and except such portions as are hereinafter added, deleted, modified or amended. A copy of this code is on file in the City's Building Division office for public inspection and is adopted with the same force and effect as through set out herein in full.

**8.16.020 Enforcement and Inspections**

The California Fire Code and the International Fire Code with amendments shall be enforced by the Orange County Fire Authority, which shall be operated under the Fire Chief of the Orange County Fire Authority. The Fire Chief of the Orange County Fire Authority may detail such members of the fire authority as inspectors as shall be necessary from time to time.

**8.16.030 Division II of Chapter 1 amended —  
Administration**

Division II of Chapter 1— Administration is hereby amended as follows:

- A. Subsection 101.1 is hereby amended to read in its entirety as follows:

**101.1 Title.** These regulations shall be known as the Fire Code of the City of San Clemente, hereinafter referred to as "this code".

- B. Subsection 109.4 is hereby amended to read in its entirety as follows:

**109.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any issued orders or notices or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the

fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of either a misdemeanor, infraction or both as prescribed in Section 109.4.2 Penalties shall be as prescribed in local ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- C. A new Subsection 109.4.2 is hereby added to Section 109 to read in its entirety as follows:

**109.4.2 Infraction and misdemeanor.** Persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction. Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the chief or a duly authorized representative are guilty of a misdemeanor.

- D. Subsection 111.4 is hereby amended to read in its entirety as follows:

**111.4 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 of not less than specified in the city of San Clemente Municipal Code and/or by Fee Resolution.

#### **8.16.040 Chapter 2 amended -- Definitions**

Chapter 2 -- Definitions, is hereby amended as follows:

- A. **Section 202 General Definitions** is hereby revised by adding "OCFA," "Sky Lantern," and "Spark Arrester" as follows:

**OCFA.** Orange County Fire Authority, fire authority having jurisdiction.

**SKY LANTERN.** An airborne lantern typically made of paper, Mylar, or other lightweight material with a wood, plastic, or metal frame containing a candle, fuel cell, or other heat source that provides buoyancy.

**SPARK ARRESTER.** A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

**8.16.050 Chapter 3 amended -- General Requirements**

Chapter 3 – General Requirements is hereby amended as follows:

- A. Subsection 304.1.2 is hereby revised as follows:

**304.1.2 Vegetation.** Type, amount, or arrangement of weeds, grass, vines or other growth that is capable of being ignited and endangering property needing to comply with OCFA Guidelines, shall be cut, thinned, and removed by the owner or occupant of the premises in accordance with OCFA Guideline C-05 "Vegetation Management Guideline—Technical Design for New Construction, Fuel Modification Plans, and Maintenance Program. Vegetation clearance requirement in urban-wildland interface areas shall be in accordance with Chapter 49.

- B. A new Subsection 305.6 is hereby added to Section 305 to read in its entirety as follows:

**305.6 Hazardous conditions.** Outdoor fires are not allowed when predicted sustained winds exceed 8 MPH during periods when relative humidity is less than 25%, or a red flag condition has been declared or public announcement is made, when an official sign was caused to be posted by the fire code official,

or when such fires present a hazard as determined by the fire code official.

- C. A new Subsection 305.7 is hereby added to Section 305 to read in its entirety as follows:

**305.7 Disposal of rubbish.** Rubbish, trash or combustible waste material shall be burned only within an approved incinerator and in accordance with Section 307.2.1.

- D. Section 307 is hereby amended to read as follows:

**SECTION 307  
OPEN BURNING, RECREATIONAL FIRES, FIRE  
PITS, FIRE RINGS, AND PORTABLE OUTDOOR  
FIREPLACES**

- E. A new Subsection 307.6 is hereby added to Section 307 to read in its entirety as follows:

**307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies.** Outdoor fireplaces, fire pits, fire rings, or similar exterior devices used at Group R shall comply with this section.

**Exception:** Barbeques, grills, and other portable devices intended for cooking.

**307.6.1 Gas-fueled devices.** Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. At other R occupancies, the minimum distance shall be ten feet. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester as

defined in Section 202.

**307.6.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas.** Fireplaces burning wood or other solid fuel shall be constructed in accordance with the California Building Code. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks. The burning of wood or other solid fuel in a device is not allowed within 15 feet of combustible structures, unless within a permanent or portable fireplace. Conditions which could cause a fire to spread within 25 feet of a structure or to vegetation shall be eliminated prior to ignition. Fires in devices burning wood or solid fuel shall be in accordance with Sections 305, 307, and 308.

**307.6.2.1 Where prohibited.** The burning of wood and other solid fuels shall not be conducted within a fuel modification zone. Wood and other solid fuel burning fires in devices other than permanent fireplaces are not allowed within Wildfire Risk Areas (WRA) and Wildland-Urban Interface Areas (WUI) or in locations where conditions could cause the spread of fire to the WRA or WUI unless determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.

F. A new Subsection 309.2.1 is hereby added to Section 309 to read in its entirety as follows:

**309.2.1 Indoor charging of electric carts/cars.** Indoor charging of electric carts/cars where the combined volume of all battery electrolyte exceeds 50 gallons shall comply with following:

1. Spill control and neutralization shall be provided and comply with Section 608.5.
2. Room ventilation shall be provided and comply with Section 608.6.1
3. Signage shall be provided and comply with Section 608.7.1

4. Smoke detection shall be provided and comply with Section 608.9.

- G. A new Section 320 is hereby added to Chapter 3 to read in its entirety as follows:

**SECTION 320  
FUEL MODIFICATION REQUIREMENTS FOR NEW  
CONSTRUCTION**

**320.1 General.** All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance with the requirements of OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program."

- H. A new Section 321 is hereby added to Chapter 3 to read in its entirety as follows:

**SECTION 321  
CLEARANCE OF BRUSH OR VEGETATION  
GROWTH FROM ROADWAYS**

**321.1 General.** The fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic, to be cleared of flammable vegetation and other combustible growth. Measurement shall be from the flow-line or the end of the improved edge of the roadway surfaces.

**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.

- I. A new Section 322 is hereby added to Chapter 3 to read in its entirety as follows:

**SECTION 322  
UNUSUAL CIRCUMSTANCES**

**322.1 General.** The fire code official may suspend enforcement of the vegetation management requirements and require reasonable alternative measures designed to advance the purpose of this code if determined that in any specific case that any of the following conditions exist:

1. Difficult terrain.
2. Danger of erosion.
3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees.
5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions undesirable or impractical.

J. A new Section 323 is hereby added to Chapter 3 to read in its entirety as follows:

**SECTION 323  
USE OF EQUIPMENT**

**323.1 General.** Except as otherwise provided in this section, no person shall use, operate, or cause to be operated in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester as defined in Section 202 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

**Exception:**

1. Engines used to provide motor 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 of the State of California.
2. 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 good mechanical condition

**323.2 Spark Arrestors.** Spark arresters shall comply with Section 202, and when affixed to the exhaust system of engines or vehicles subject to Section 323 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.

- K. A new Section 324 is hereby added to Chapter 3 to read in its entirety as follows:

**SECTION 324  
SKY LANTERNS OR SIMILAR DEVICES.**

**326.1 General.** The ignition and/or launching of a Sky Lantern or similar device is prohibited.

**8.16.060 Chapter 4 amended -- Emergency Planning and Preparedness**

Chapter 4 – Emergency Planning and Preparedness is hereby amended by adopting only the Sections 401, 401.3.4, 401.9, 402, 403.2, 404.5 through 404.6.6, and 407. Other sections of Chapter 4 are hereby deleted without replacement.

- A. Subsection 407.5 is hereby amended to read in its entirety as follows:

**407.5 Hazardous Materials Inventory Statement.** Where required by the fire code official, each application for a permit shall include OCFA's Chemical Classification Packet in accordance with Section 5001.5.2.

**8.16.070 Chapter 5 amended -- Fire Service Features**

Chapter 5 – Fire Service Features is hereby amended as follows:

- A. Subsection 501.1 is hereby amended to read in its entirety as follows:

**501.1 Scope.** Fire service features for buildings, structures and premises shall comply with this chapter and, where required by the fire code official, with OCFA Guideline B-09, "Fire Master Plan for Commercial & Residential Development." Fire service features for buildings, structures and premises located in State Responsibility Areas shall also comply with OCFA Guideline B-09a, "Fire Safe Development in State Responsibility Areas."

- B. Subsection 510.1 is hereby amended to read in its entirety as follows:

**510.1 Emergency responder radio coverage in new buildings.** All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction 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 local authority having jurisdiction's ordinance and 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 could have a negative impact on normal operations of the facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.

This section shall not apply to the following:

1. Existing buildings or structures, unless required by the Building Official and OCFA for buildings and structures undergoing extensive remodel and/or expansion.
2. Elevators.
3. 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.

4. Wood-constructed residential structures four stories or less without subterranean storage or parking that are not built integral to an above ground multi-story parking structure.
5. Should construction that is three stories or less that does not exceed 50,000 square feet on any single story include subterranean storage or parking, then this ordinance shall apply only to the subterranean areas.

- C. Subsections 510.2 is hereby deleted without replacement.
- D. Subsection 510.4.2.2 is hereby amended to read in its entirety 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.

1. The frequency range supported from the 800 MHz Countywide Communications System shall be 851-869 MHz (base transmitter frequencies).
2. The frequency range supported to the 800 MHz Countywide Communications System shall be 806-824 MHz (radio field transmit frequencies).
3. A 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 Type Certified

E. Subsection 510.5.1 is hereby amended to read in its entirety as follows:

**510.5.1 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 Orange County Communications and a copy of the approved plan provided to of the fire and building code officials.

F. Subsection 510.5.2 is hereby amended to read in its entirety as follows:

**510.5.2 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 operator's 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.

G. Subsection 510.5.3 Acceptance test procedure item 7 is hereby amended to read as follows:

**510.5.3 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 to ensure that two-way coverage on each floor of the building is not less than 90 percent. The test procedure shall be conducted as follows: ...

7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at the time of installation and subsequent annual inspections by the FCC licensed technician hired by the property owner and an

OCSD/Communications Division FCC-certified technician.

- H. Subsection 510.6.1 is hereby amended to read in its entirety 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 where structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:

1. In-building system components shall be tested to determine general functional operability.
2. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.
3. Backup batteries and power supplies shall be tested under load of a period of one 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.
4. Other active components shall be checked to verify operation within the manufacturer's specifications.
5. 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 officials.
6. At the conclusion of the testing, a certification report, which shall verify compliance with Section 510.5.3, shall be submitted to OCSD Communications and the fire and building code officials.

**8.16.090 Chapter 9 amended -- Fire Protection Systems**

Chapter 9 – Fire Protection Systems is hereby amended as follows:

- A. Subsection 903.2 is hereby amended to read in its entirety as follows:

**903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section and in Section 903.2 of the California Building Code as amended by the City of San Clemente as follows:

1. **New buildings:** In addition to the requirements of section 903.2.1 through 903.2.19, approved automatic sprinkler systems in new buildings and structures shall be provided as follows (Exception: Group R Detached one- two-family dwellings and townhouses as required by section 903.2.8):
  - i) Throughout all Groups A, I, E, and H Occupancies
  - ii) Throughout all Group B, F, M, and S Occupancies exceeding 1,000 square feet
  - iii) Throughout all Group U-1 Occupancies exceeding 6,000 square feet

For the purposes of this section, fire walls shall not define separate buildings.

2. **Alteration:** When the floor area of the Alteration within any two-year period exceeds 75% of area of the existing structure and the alteration includes structural modifications other than seismic upgrade.
3. **Addition:** Sprinkler protection shall be provided throughout the entire building when:
  1. Existing unsprinklered building less than 5,000 ft<sup>2</sup>: where 20% or more is added and the gross floor areas exceeds 5,000 square feet.
  2. Existing unsprinklered building equal or greater than 5,000 ft<sup>2</sup>: where more than 1,000 ft<sup>2</sup> is added.

3. Fire sprinklers shall be provided in additions to an existing building that has fire sprinklers installed.

B. Subsection 903.2.8 is hereby amended to read in its entirety as follows:

**903.2.8 Group R.** An automatic sprinkler system installed in accordance with Subsection 903.3 of Section 903 of this code and Subsection 903.3 of Section 903 of the California Building Code as amended by the City of San Clemente shall be provided throughout all buildings with a Group R fire area as follows:

1. All new Group R occupancies, including the attached garages
2. All existing Group R occupancies and U-1 garages when the total floor area is increase by 50% of the existing area over a 2-year period
3. All existing Group R occupancies and U-1 garages when the total area is increased by 750 square feet or more over a 2-year period
4. All existing Group R occupancies and U-1 garages when an additional story is added to the structure regardless of the area involved
5. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, within any two year period, is 50% or more of area of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.
6. Any addition to existing building that has fire sprinklers installed.

**Exceptions:**

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing nonambulatory 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 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. 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 for an increase in height or area, an automatic sprinkler system installed in accordance with Section 903.3.1.2 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.

- C. A new Subsection 903.3.5.3 is hereby added to Section 903 to read in its entirety as follows:

**903.3.5.3 Hydraulically calculated systems.** The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity

**Exception:** When static pressure exceeds 100 psi, and required by the Fire Code Official, the fire sprinkler system shall not exceed water supply capacity specified by Table 903.3.5.3

