

REPORT TO CITY COUNCIL

DATE: AUGUST 23, 2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: DENICE THOMAS, COMMUNITY DEVELOPMENT DIRECTOR
LUKAS QUACH, BUILDING OFFICIAL

SUBJECT: INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING BY REFERENCE AND AMENDING THE 2023 EDITION OF THE LOS ANGELES COUNTY FIRE CODE, AMENDING THE 2022 CALIFORNIA BUILDING CODE, AND AMENDING ARTICLE III AND ARTICLE VIII OF THE AGOURA HILLS MUNICIPAL CODE AND SET A PUBLIC HEARING FOR SEPTEMBER 13, 2023

Every three years, model construction codes are republished to incorporate all code changes. The California Health and Safety Code authorizes each local jurisdiction to amend provisions of the California Building Standards Code and amend necessary provisions based on local climatic, geological, or topographical conditions. The City of Agoura Hills made the local amendments to the Building, Residential, Mechanical, Plumbing, Electrical, Energy, Fire, and Green Building Code in November of 2022. These amended codes have been the City of Agoura Hills Construction Codes and enforced since January 1, 2023.

As part of the Los Angeles County Consolidated Fire District (Fire District), the City of Agoura Hills is obligated to adopt the Los Angeles County Fire Code so that the Fire District can uniformly enforce the same fire code throughout the district it serves. The Los Angeles County Board of Supervisors adopted the 2023 Los Angeles County Fire Code (County Fire Code) earlier this year. The County Fire Code has additional local requirements for the region not contained in the 2022 California Fire Code. Since the Los Angeles County Fire Department (County Fire Department) is the local fire authority, the City of Agoura has historically adopted the Los Angeles County (County) amendments. The County adopted its amendments on January 31, 2023, which became effective March 2, 2023, and is available as a public record in the Building Official's office. The County adoption schedule was delayed due to review and scheduling issues and, therefore, was scheduled after the typical January 1, 2023, effective date of the new codes.

The County Fire Department provides firefighting and emergency medical services for the unincorporated parts of the County, as well as 59 cities through contracting,

including the City of Agoura Hills. The adoption of the County Fire Code helps facilitate the County Fire Department in administering and enforcing rules and regulations for the technical codes, which regulate fire access, fire protection equipment, site preparation, alteration, use and occupancy of buildings and structures in the City. The proposed Ordinance would adopt by reference portions of the 2022 California Fire Code with the County amendments. Adoption of the County amendments will be consistent with other neighboring cities and provide consistent requirements.

Although the County Fire Department would like to have uniformity in code for all the jurisdictions it serves, local jurisdictions are permitted to make amendments to the Fire Code with their adoption to meet their local needs. Staff is proposing an amendment to the Fire Code provision to delete the exception in Section 903.2.11.7, *“Occupancies modified, reconstructed, or remodeled by adding 50 percent or more of the floor area of the existing occupancy, where the total floor area of the occupancy after the modification, reconstruction, or remodel is less than 5,000 square feet, are exempt from the fire sprinkler requirement.”* Removing this 5,000 square feet threshold exception enables the City to require fire sprinkler protection for existing buildings, when addition of more than 50% of existing square footage is proposed. This captures more of the existing housing stock of smaller size that is common in Agoura Hills.

Since there are similar provisions in the Fire Code and the Building Code, Staff is proposing to, concurrently, amend the associated provisions in the Building Code as adopted in the Agoura Hills Municipal Code. In reviewing the automatic fire sprinkler provisions of the Building Code, Staff identified some discrepancies between the County Fire Code and the Building Code and propose to amend the provisions in the Building Code to align with the County Fire Code for uniformity in standards.

This proposed ordinance would repeal and replace Chapter 1 of Article III and amend Chapter 2 of Article VIII of the Agoura Hills Municipal Code.

In accordance with California Government Code Section 50022.3, adoption of California Building Standards Codes requires two weeks’ notice of a public hearing after the introduction of the Building Standards Code related Ordinance. Second reading and adoption of the Fire Code will take place at the conclusion of the public hearing which will be scheduled on September 13, 2023.

The proposed ordinance has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff respectfully recommends the City Council waive full reading and introduce Ordinance No. 23-473, and set the Public Hearing for the adoption of the Ordinance for September 13, 2023.

Attachment: Ordinance No. 23-473

ORDINANCE NO. 23-473

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING BY REFERENCE AND AMENDING THE 2023 EDITION OF THE LOS ANGELES COUNTY FIRE CODE, AMENDING THE 2022 CALIFORNIA BUILDING CODE, AND AMENDING ARTICLE III AND ARTICLE VIII OF THE AGOURA HILLS MUNICIPAL CODE

WHEREAS, California Government Code Section 50022.1 *et seq.* authorizes the City of Agoura Hills ("City") to adopt by reference the California Building Standards Code, 2022 Edition (Title 24 of the California Code of Regulations) adopting certain uniform codes, including the 2022 California Fire Code; and

WHEREAS, California Health and Safety Code, Sections 17958.5 and 18941.5 authorize cities and counties to modify the California Building Standards Code by adopting more restrictive building standards and modifications if such standards and modifications are accompanied by express findings that they are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the Los Angeles County Board of Supervisors has adopted and amended the 2022 California Fire Code; and

WHEREAS, except as noted below, the City desires to adopt by reference the 2023 Los Angeles County Fire Code (Title 32, Los Angeles County Code), adopting and amending the 2022 California Fire Code, including amendments to building standards that are reasonably necessary because of local climatic, geological and/or topographical conditions; and

WHEREAS, the City held a properly noticed public hearing on September 13, 2023, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the 2023 Los Angeles County Fire Code as amended herein; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 1 (Fire Prevention) of Article III (Public Safety) of the Agoura Hills Municipal Code is hereby repealed provided that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this Ordinance. A new Chapter 1 (Fire Prevention) is hereby added to Article III (Public Safety) of the Agoura Hills Municipal Code to read as follows:

“Chapter 1 - FIRE PREVENTION

“3100. Adoption of Fire Code.

One document, a copy of which is on file in City offices, identified by the Seal of the City of Agoura Hills, marked and designated as the 2023 edition of the Los Angeles County Fire Code, adopting and amending the 2022 California Fire Code, including errata and supplements, and the 2021 Edition of the International Fire Code published by the International Code Council, including Chapters 1 through 7, Chapters 9 through 10, Chapter 12, Chapters 20 through 37, Chapters 39-40, Chapters 50 through 51, Chapters 53 through 56, Chapters 59 through 67, and Chapter 80, and, as amended to include Chapters 81-83 and appendices O, PP, QQ, and RR, as adopted by the County of Los Angeles, is hereby adopted by reference as the Fire Prevention Regulations of the City of Agoura Hills. The provisions of such are hereby referred to, adopted, and made a part hereof as if fully set out in this Chapter, except as modified hereinafter.

In the event of any conflict between provisions of the California Fire Code, 2022 Edition, the 2023 Los Angeles County Fire Code, or any amendment to the 2022 California Building Code adopted and contained in the Agoura Hills Municipal Code, the more restrictive provision shall control to the fullest extent permitted by law.

“3101. Modifications to the Los Angeles County Fire Code.

(a) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Agoura Hills, hereinafter referred to as “this code”.

(b) Section 103.1 is amended to read as follows:

103.1 General. The office of fire prevention is established within the jurisdiction under the direction of the fire code official for the implementation, administration, and enforcement of the provisions of this code

Exception: For the enforcement of the sprinkler systems for one- or two-family dwellings and the townhouses, the Building Official or the Fire Official, at the discretion of the City Manager, shall be the responsible authority having jurisdiction.

(c) Section 903.2.11.7 is amended to read as follows:

903.2.11.7 Where Required. An automatic fire sprinkler system shall be installed in every occupancy which is newly constructed or which is modified, reconstructed, or remodeled by adding 50 percent or more of the floor area of the existing occupancy, within any 12-month period, within the City of Agoura Hills.

Exceptions:

1. Detached private garages, sheds, and agricultural buildings less than 1,000 square feet in area and separated from other structures by a minimum of six feet, are exempt from the fire sprinkler requirement.
2. Detached gazebos, pergolas, and carports open on two or more sides, that are separated from other structures by a minimum of six feet are exempt from the fire sprinkler requirement.
3. Detached U occupancies, separated from other structures by a minimum of six feet, built entirely out of non-combustible materials, and with no combustible storage, are exempt from the fire sprinkler requirement.

For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the entire floor area within the building footprint, including attached garage area shall be considered.

An automatic fire sprinkler system need not be installed in 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 not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

“3102. Violations.

Every person violating any provision of the Fire Code of the City or any permit or license granted under that code, or any rule, regulation or policy promulgated pursuant to that code, is guilty of a misdemeanor, unless such violation is otherwise declared to be an infraction by Section 3104 of this chapter. Each such violation is a separate offense for each and every day during any portion of which such violation is committed, punishable as set forth in Section 1200 of this code.

“3103. Responsibility.

Any person who, personally or through another, willfully, negligently, or in violation of law sets a fire, allows a fire to be set, or allows a fire to be kindled or attended by the person to escape from his or her control, allows any hazardous material to be handled, stored, or transported in a manner not in accordance with the fire code or nationally recognized standards, allows any hazardous material to escape from his or her control, neglects to properly comply with any written notice of the chief, or willfully or negligently allows the continuation of a violation of the fire code and amendments thereto is liable for the expense incurred during such incident, and such expense shall be a charge against that person. Such charge shall constitute a debt of such person and is collectable by the public agency incurring such obligation under a contract, expressed

or implied.

“3104. List of infractions.

In accordance with Section 3102 of this chapter, the violation of the following sections of the fire code shall be an infraction:

Section	Offense
303.1–303.9	Asphalt kettles
304.1.1	Waste material
304.1.2	Vegetation
304.2	Combustible waste rubbish – storage
305.2	Hot ashes and spontaneous ignition sources
310.4	Removal "No Smoking" sign
315.3.2	Stairway – storage under
503.4	Obstructing access roadway
505.1	Address identification
507.5.4– 507.5.5	Obstruction of fire hydrants
507.5.6	Physical protection – fire hydrants
507.5.7	Firefighting water source markers
507.5.8	Identification – private fire hydrant
507.5.9	Private fire hydrant caps or plugs
603.6	Electrical extension cords
901.6.4.1	901.6.4.1 Signage – aboveground water-control valves
901.6.4.2	901.6.4.2 Locks – aboveground water-control valves
901.6.4.3	901.6.4.3 Painting identification – aboveground water- control valves
901.7	Failure to notify Fire Department
906.1–906.	Fire extinguishers
912.5 & 912.8	Identification – fire department connection
912.9	Breakable caps or plugs – fire department connection
1009.9	Exit doors identification
1010.2.2	Door-operating devices
2003.2	"No Smoking" signs within aircraft hangars
2108.4	Fire extinguisher – dry cleaning plant
2108.5	No smoking signs – dry cleaning plant
2311.2.2	Waste oil storage
2403.2.7	Welding warning signs
2403.4	Operations and maintenance
2403.4.3	Metal waste cans for rags and waste
2404.7.8.5	Filter disposal
2405.3.4	Dip-tank covers
2405.4.2	Portable fire protection equipment
2406.5	Maintenance – powder coating
2407.5.1	Maintenance – electrostatic apparatus
2407.5.2	Signs – "Danger"

2408.5	Sources of ignition (organic peroxides)
2505.1	Housekeeping – fruit ripening room
2803.3.1	Lumber yards – housekeeping
2803.3.3	Combustible waste
3103.12.6.1	Exit sign illumination
3107.18	Vegetation removal
3603.2	Open flame device – boat or marina
3603.4	Rubbish containers – marina
3604.4	Portable fire extinguishers – marinas
4811.9	Fire Department access – motion picture production locations
4811.12	Blocked or obstructed fire hydrants and appliances
5003.5	Hazardous materials signage
5003.7.1	No smoking signs – hazardous materials
5004.11	Combustible materials clearance – hazardous materials storage
5005.3.8	Combustible materials clearance – hazardous materials use
5303.4	Markings – compressed gases
5303.5	Security – compressed gases
5701.6	Maintenance and operating practices – flammable and combustible liquids
5704.2.3.1	"No smoking" sign
5704.3.3.4	Empty containers
6107.2	"No smoking" signs – LPG container
6107.3	Combustible material clearance LPG container
8104	Auto wrecking yards – fire apparatus access

SECTION 2. Section 8202 (B) (pp) of Chapter 2 of Article VIII of the Agoura Hills Municipal Code is amended by revising Section 903.2 to read as follows:

“903.2 Where Required. An automatic fire sprinkler system shall be installed in every occupancy which is newly constructed or which is modified, reconstructed, or remodeled by adding 50 percent or more of the floor area of the existing occupancy, within any 12-month period, within the City of Agoura Hills.

Exceptions:

1. Detached private garages, sheds, and agricultural buildings less than 1,000 square feet in area and separated from other structures by a minimum of six feet, are exempt from the fire sprinkler requirement.
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An automatic fire sprinkler system need not be installed in 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 not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

SECTION 3. The adoption of this Ordinance or any amendment to any existing ordinance of this City shall not in any manner affect the prosecution for violations of any such ordinance committed prior to the effective date of this Ordinance.

SECTION 4. If any provision of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, the City Council hereby declares that it would have passed each and every remaining provision irrespective of such holding in order to accomplish the intent of this Ordinance.

SECTION 5. The Building Official is hereby authorized and directed to transmit a copy of this Ordinance, together with required findings, to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

SECTION 6. The City Clerk shall certify to the passage of this Ordinance and shall cause an ordinance of the same to be published at least once in the local newspaper of general circulation, circulated within the City of Agoura Hills. A copy of the full text of this Ordinance shall be on file in the Office of the City Clerk on and after the date following introduction and passage and shall be available to any member of the public.

This Ordinance shall go into effect on the 31st day after its adoption.

PASSED, APPROVED, AND ADOPTED, this day of 2023.

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Chris Anstead, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney