



CITY OF MILPITAS AGENDA REPORT (AR)

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| Item Title: | Waive the First Reading Beyond the Title and Introduce Ordinance No. 113.25, Adopting by Reference with Certain Local Amendments the 2019 Edition of the California Fire Code |
| Category: | Consent Calendar-Public Safety |
| Meeting Date: | 11/5/2019 |
| Staff Contact: | Albert Zamora, Fire Marshal/Deputy Fire Chief, 408-586-3371 |
| Recommendations: | <ol style="list-style-type: none"> 1. Following the City Attorney reading aloud the title, waive the first reading beyond the title of Ordinance No. 113.25. 2. Move to introduce Ordinance No. 113.25, to be enacted as Chapter 300, Title V of the Milpitas Municipal Code. 3. Set a public hearing for Tuesday, December 3, 2019 at 7:00 p.m. in the Milpitas City Council Chambers to consider adoption of Ordinance No. 113.25, adopting by reference with certain local amendments the 2019 Edition of the California Fire Code. |

Background:

The California State Building Standards Commission adopted the 2018 International Fire Code with State Amendments, known as the 2019 Edition of the California Fire Code, which becomes effective by all local jurisdictions on January 1, 2020. For jurisdictions to maintain their current level of regulation without interruption, the code must be adopted with local amendments. As with past code adoptions, the Santa Clara County Fire Marshals Association collaborated to develop standardized amendments for use throughout the County that would maintain the existing level of regulation for the protection of public health and safety.

The proposed Ordinance includes certain findings necessary to locally amend portions of the California Fire Code. Such findings shall be based on but not limited to Health and Safety Code Sections 18941.5, as well as 17958.5 and 17958.7, relative to local climatic, geographical, or topographical conditions.

Analysis:

The California Fire Code and local amendments are typically adopted every three years. The 2016 Edition of the California Fire Code with certain local amendments was adopted by the Milpitas City Council on November 15, 2016 and became effective January 1, 2017.

The California Fire Code is Part 9 of 13 parts of the official compilation and publication of adoptions, amendment, and repeal of building regulations to the California Code of Regulations, Title 24 which is also referred to as the California Building Standards Code. The California Building Standards Code incorporates by adoption the 2018 International Fire Code of the International Code Council with necessary California Amendments.

The purpose of the California Fire Code is to establish the minimum requirements consistent with nationally-recognized best practices to safeguard public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

The provisions of the California Fire Code shall apply to the construction, alterations, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every

building or structure or any appurtenances connected or attached to such building structures throughout the State of California.

Policy Alternatives:

Alternative 1: Do Not Adopt the 2019 California Fire Code

Pros: None

Cons:

1. The provisions within the 2019 California Fire Code are State Law. With the City of Milpitas being a Regulatory Agency, not adopting the 2019 California Fire Code compromises the minimum requirements that ensures and affords the level of fire life-safety for the general public, as well as the citizens and the business community of the City of Milpitas.
2. Without the adoption of the 2019 California Fire Code, local amendments cannot be adopted pursuant to Section 1.1.8.

Reason not recommended:

The California Fire Code establishes the minimum requirements that are consistent with nationally-recognized industry practices to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

Not adopting the 2019 California Fire Code would only compromise fire life-safety for the buildings, structures and premises as well as their respective occupants.

Alternative 2: Adopt the 2019 California Fire Code and Not Adopt Certain Local Amendments

Pros: None

Cons:

By not adopting certain local amendments in conjunction with the 2019 California Fire Code, does not address some of the unique concerns and nuances relative to the residential, commercial, and industrial communities within the City of Milpitas.

Reason not recommended:

To further save lives and preserve property, as well as ensuring the highest level of public safety for the community of Milpitas, local amendments must be addressed.

Fiscal Impact:

Section 66014 of the California Government Code as referenced in the Health & Safety Code Section 13146, as well as the 2019 California Fire Code Sections 1.11.2.1.1, and Section 106.2, allows fire departments to charge fees for permit, inspection, and enforcement activities. The recently adopted City of Milpitas Master Fee Schedule that became effective on August 1, 2019, aligns with the above Code Sections.

California Environmental Quality Act:

Not applicable

Recommendations:

1. Following the City Attorney reading aloud the title, waive the first reading beyond the title of Ordinance No. 113.25.
2. Move to introduce Ordinance No. 113.25, to be enacted as Chapter 300, Title V of the Milpitas Municipal Code.

3. Set a public hearing for Tuesday, December 3, 2019 at 7:00 p.m. in the Milpitas City Council Chambers to consider adoption of Ordinance No. 113.25, adopting by reference with certain local amendments the 2019 Edition of the California Fire Code.

Attachment:

Draft Ordinance No. 113.25 (Milpitas Municipal Code Title V, Chapter 300)