

ORDINANCE NO. 2009

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE VI OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING BY REFERENCE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS AND DELETIONS, THE 2019 CALIFORNIA FIRE CODE, INCLUDING CERTAIN APPENDICES.

**City Attorney's Summary**

*This Ordinance adopts and amends the 2019 California Fire Code, California Code of Regulations, Title 24, Part 9, adopted by the State of California and effective on January 1, 2020, including Appendix B with amendments. In addition, this Ordinance adds Appendices P (Palm Springs Fire Department Five Minute Response Time Map), Q (Palm Springs Very High Fire Hazard Severity Zones Map in LRA As Recommended by Cal Fire), S (Vegetation Management in Very High Fire Hazard Severity Zones), and T (Palm Springs Fire Department Development Requirements) to the Fire Code.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. Article VI of Chapter 8.04 of the Palm Springs Municipal Code is hereby amended and restated to read as follows:

ARTICLE VI  
FIRE CODE

Section:

- 8.04.500 California Fire Code—Adopted.
- 8.04.510 California Fire Code—Additions, Amendments and Deletions.

SECTION 2. Section 8.04.500 of the Palm Springs Municipal Code is hereby amended and restated to read as follows:

- 8.04.500 California Fire Code—Adopted.

That certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the 2019 California Fire Code, California Code of Regulations Title 24, Part 9, including Appendices B, P, Q, S, and T except as hereinafter modified, are hereby adopted by reference as the Fire Code of the City of Palm Springs pursuant to Government Code Section 50022.1 et seq.

SECTION 3. Section 8.04.510 of the Palm Springs Municipal Code is hereby amended and restated to read as follows:

8.04.510 California Fire Code—Additions, Amendments and Deletions.

The California Fire Code adopted herein by reference is hereby modified by the following additions, amendments and deletions:

1) Chapter 1 General Requirements. Adopt Chapter 1 in its entirety, with the exception of Section 109, and with the following amendments:

2) Amend Chapter 1, Division II Administration, subsection 101.1, Title, to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of Palm Springs, hereinafter referred to as "this code".

3) Amend subsection 101.4, Severability, to read as follows:

101.4 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being expressly declared that this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

4) Amend subsection 103.4. Liability, to read as follows:

103.4 Liability. Any liability against the Palm Springs Fire Department or any officer or employee shall be as provided for in California Government Code and case law. Fire suppression, investigation and rescue or emergency medical costs are recoverable in accordance with California Health and Safety Code Sections 13009 and 13009.1.

5) Amend subsection 110.4, Violation penalties, to read as follows:

110.4 Violation penalties. The provisions of Title 1 of the Palm Springs Municipal Code shall be applicable to and govern the enforcement of this Title. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The imposition of one (1) penalty for one (1) violation shall not excuse the violation, or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time. The application of the above penalty shall not be held to prevent the enforced removal or correction of prohibited conditions.

- 6) Add section 110.4.2, Infraction and misdemeanor, to read as follows:

110.4.2 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.

- 7) Amend subsection 112.4, Failure to comply, to read as follows:

112.4 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 in violation of this code.

- 8) Chapter 2 Definitions is adopted in its entirety with the following amendments:

- 9) Amend Section 202, General Definitions, by adding the following definitions:

**FIVE MINUTE FIRE DEPARTMENT RESPONSE TIME.** The Five-Minute Fire Department Response Time is defined as the time the fire station or response personnel receive notification of a call for emergency service, allowing one-minute for "firefighter turnout" and four-minutes for travel on paved streets. The Palm Springs Fire Department Five-Minute Response Time Map is identified in Appendix P.

**PSFD.** Palm Springs Fire Department, fire authority having jurisdiction.

**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.

- 10) Chapter 3 General Requirements. Adopt Chapter 3 in its entirety, with the exception of Sections 308.1.4, 311.5 through 311.5.5, 318, and 319, and with the following amendments:

- 11) Amend subsection 304.1.2, Vegetation, to read as follows:

304.1.2 Vegetation. Weeds, grass, vines or other growth, as determined by the Fire Code Official, that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirement in urban-wildland interface areas shall be in accordance with Chapter 49. Type, amount, arrangement, and maintenance of vegetation in a fuel modification area, interior slope, or similarly hazardous area shall be in accordance with PSFD Appendix S "Vegetation Management in Very High Fire Hazard Severity Zones."

- 12) Add new subsection 305.6, Hazardous Conditions, to read as follows:

305.6 Hazardous conditions. Outdoor fires burning wood or other solid fuel are not allowed when any of the following conditions applies:

1. When predicted sustained winds exceeds 8 MPH and relative humidity is less than 25% or a red flag condition has been declared.
2. When an official sign was caused to be posted by the Fire Code Official, or a public announcement is made.
3. No outdoor fires using any fuel type are permitted when predicted sustained winds exceed 20 MPH or when such fires present a hazard as determined by the Fire Code Official.

- 13) Add new subsection 305.7, Disposal of rubbish, to read 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.

- 14) Amend title of section 307, Open burning, recreational fires and portable outdoor fireplaces, to read as follows:

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

- 15) Add new subsection 307.6, Outdoor fireplaces, fire pits, fire rings, or similar devices used at R occupancies, to read 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 occupancies shall comply with this section.

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

- 16) Add new subsection 307.6.1, Gas-fueled devices, to read as follows:

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 and vegetation 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.

- 17) Add new subsection 307.6.2, Devices using wood or fuels other than natural gas or liquefied petroleum gas, to read as follows:

307.6.2 Devices using wood or fuels other than natural gas or liquefied- petroleum gas. Permanent outdoor fireplaces burning wood or other solid fuel shall be constructed in accordance with the California Building Code with clearance from combustible construction and building openings as required therein. 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 25 feet of combustible structures unless within an approved permanent 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.

Exceptions:

1. Portable fireplaces and fire rings/pits equipped with a device to arrest sparks shall be located at least 3' from combustible construction at R-3 occupancies.
2. Portable fireplaces and fire pits/rings equipped with a device to arrest sparks shall be located at least 15 feet from combustible structures at other R occupancies.

- 18) Add new subsection 307.6.2.1, Where prohibited, to read as follows:

307.6.2.1 Where prohibited. The burning of wood and other solid fuels shall not be conducted within a fuel modification zone, Wildfire Risk Area (WRA), Wildland Urban Interface Area (WUI), or in locations where conditions could cause the spread of fire to the WRA or WUI.

Exceptions:

1. Permanent fireplaces that are not located in a fuel modification zone
2. Where determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.

- 19) Delete subsection 308.1.4, Open-flame cooking devices.

- 20) Amend subsection 308.1.6.3, Sky lanterns, to read as follows:

308.1.6.3 Sky lanterns. A person shall not release, or cause to be released a sky lantern.

- 21) Delete subsection 311.5, Placards, in its entirety.

- 22) Delete section 318, Laundry carts, in its entirety.

- 23) Delete section 319, Mobile food preparation vehicles, in its entirety.

- 24) Add new section 321, Fuel modification requirements for new construction, to read as follows:

Section 321 Fuel modification requirements for new construction

321.1 Fuel modification requirements for new construction. All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance with the requirements of PSFD Appendix S "Vegetation Management in Very High Fire Hazard Severity Zones."

- 25) Add new section 322, Clearance of brush or vegetation growth from roadways, to read as follows:

Section 322 Clearance of brush or vegetation growth from roadways

322.1 Clearance of brush or vegetation growth from roadways. 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 flowline 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.

- 26) Add new section 323, Unusual circumstances, to read as follows:

Section 323 Unusual circumstances

323.1 Unusual circumstances. 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.

27) Add new section 324, Use of equipment, to read as follows:

#### Section 324 Use of equipment

324.1 Use of equipment. 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.

#### Exceptions:

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.

28) Add new subsection 324.2, Use of equipment and devices generating heat, sparks or open flames, to read as follows:

324.2 Equipment and devices generating heat, sparks or open flames. During any time of the year within Wildfire Risk Areas, within or immediately adjacent to any forest or brush covered land, or non-irrigated grass covered land, no person shall use or operate any welding equipment, cutting torches, tar pots, grinding devices, or other tools or equipment that may produce a spark, fire, or flame that could result in a wildfire without doing the following:

1. First clearing away all flammable material, including snags, from the area around such operation for a distance of 30 feet or other approved method to reduce fire spread into the wildlands. If 30-foot clearing cannot be achieved, then an alternate method shall be approved by the Fire Code Official prior to work starting.
2. Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

3. Stop work when winds are 8 MPH or greater 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.
4. Keep a cell phone nearby and call 911 immediate in case of fire.

29) Add new subsection 324.3, Spark arresters, to read as follows:

324.3 Spark arresters. Spark arresters shall comply with Section 202, and when affixed to the exhaust system of engines or vehicles subject to Section 324 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.

30) Add new section 325, Parade floats, to read as follows:

#### Section 325 Parade floats

325.1 Decorative materials. Decorative materials on parade floats shall be non-combustible or flame retardant.

325.1.1 Combustible Clearance. A 12" minimum clearance of decorative materials shall be maintained around vehicle and/or generator exhaust pipe(s).

325.2 Fire Protection. Motorized parade floats and towing apparatus shall be provided with a minimum 2A 10B:C rated portable fire extinguisher readily accessible to the operator.

325.3 Portable Generators. Portable generators shall be secured from tipping and subject to approval by the Fire Code Official.

31) Chapter 4: Emergency Planning and Preparedness. Adopt only the sections, subsections, and amendment listed below:

32) Adopt only the following sections and subsections in Chapter 4, Emergency planning and preparedness:

- 401-401.9
- 402
- 403.2
- 403.5-403.5.4
- 403.10.2.1.1
- 403.13.3
- 407

- 33) Amend subsection 407.5, Hazardous materials inventory statement, to read as follows:

407.5 Hazardous Materials Inventory Statement. Where required by the Fire Code Official, each application for a permit shall include a Hazardous Materials Inventory Statement, PSFD's Chemical Classification Packet in accordance with Section 5001.5.2.

- 34) Chapter 5 Fire Service Features is adopted in its entirety with the following amendments:

- 35) Amend subsection 501.1, Scope, to read 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 PSFD Appendix S "Vegetation Management in Very High Fire Hazard Severity Zones."

- 36) Add new subsection 503.1.1.1, Gates, to read as follows:

503.1.1.1 Gates. When fences are installed that cause the distance from an approved fire department access road to exceed the maximum distance allowed in Section 503 herein, a gate shall be provided in the fence to maintain the required fire department access. The gate shall be a minimum four (4) feet in width and be equipped with a key box and/or lock accessible from both sides in accordance with Section 506 herein.

- 37) Amend subsection 503.2.3, Surface, to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. Gross Vehicle Weight) and shall be surfaced so as to provide all-weather driving capabilities.

- 38) Amend subsection 503.2.4, Turning radius, to read as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the Fire Code Official. Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet.

- 39) Amend subsection 503.2.5, Dead ends, to read as follows:

503.2.5 Dead ends. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The City of Palm Springs has two approved turn around provisions. One is a cul-de-sac with an outside turning radius of 43 feet from centerline. The other is a hammerhead

turnaround meeting the Palm Springs Public Works and Engineering Department standard dated 8-3-16.

- 40) Add new subsection 503.2.9, Aerial fire access roads, to read as follows:

503.2.9 Aerial fire access roads. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

- 41) Add new subsection 503.2.10, Width, to read as follows:

503.2.10 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height.

- 42) Add new subsection 503.2.11, Proximity to building, to read as follows:

503.2.11 Proximity to building. At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

- 43) Amend subsection 503.6, Security gates, to read as follows:

503.6 Security gates. Secured automated vehicle gates or entries shall utilize a combination of a Tomar Strobeswitch™, or approved equal, and an approved Knox key electric switch when required by the Fire Code Official. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch) when required by the Fire Code Official.

Gate arms securing parking lots and parking structures shall be equipped with a fire department approved dual-keyed Knox key electric switch. When activated, the arm or arms shall open to allow fire and law enforcement access.

Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

In the event of a power failure, the gates shall be defaulted or automatically transferred to a fail safe mode allowing the gate to be pushed open without the use of special knowledge or any equipment. If a two-gate system is used, the override switch must open both gates.

If there is no sensing device that will automatically open the gates for exiting, a fire department approved Knox electrical override switch shall be placed on each side of the gate in an approved location.

A final field inspection by the Fire Code Official or an authorized representative is required before electronically controlled gates may become operative. Prior to final inspection, electronic gates shall remain in a locked-open position.

- 44) Add new subsection 506.3, Height, to read as follows:

506.3 Height. The nominal height of Knox lock box installations shall be 5 feet above grade.

- 45) Adopt Chapter 6 Building Services and Systems, Chapter 7 Fire and Smoke Protection Features and Chapter 8 Interior Finish, Decorative Materials and Furnishings in their entirety without amendments.

- 46) Adopt Chapter 9 Fire Protection and Life Safety Systems is adopted in its entirety with the following amendments:

- 47) Add new subsection 901.6.1.1, Approval required, to read as follows:

901.6.1.1 Approval required. Prior to the removal of any fire protection system, approval shall be obtained from the Fire Code Official.

- 48) Amend subsection 903.2, Where required, to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in locations described in Sections 903.2.1 through 903.2.21 as amended by this code. For purposes of this code, subsections regarding building size and fire resistive construction shall not be considered for purposes of reducing the gross fire area of that building.

Exceptions: (1) Group U Occupancies of non-combustible construction; and  
(2) Group S-2 carports – 100% open on all sides of non-combustible construction.

An approved automatic fire sprinkler system shall be installed in any building, regardless of gross fire area, which is built beyond a five-minute fire department emergency response time as defined in Section 202.

Exceptions: (1) Group U Occupancies of non-combustible construction; and  
(2) Group S-2 carports – 100% open on all sides of non-combustible construction.

An approved automatic fire sprinkler system shall be installed in every Group A Occupancy per 903.2.1 including those that result from a change of use in an existing building or portion thereof.

Exception: Group A-2 occupancies.

49) Delete subsection 903.2.1.1 Group A-1.

50) Amend subsection 903.2.1.2, Group A-2, to read as follows:

903.2.1.2, Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exist:

1. The fully enclosed area exceeds 3,000 square feet. For the purposes of this section, the term "fully enclosed area" means an area enclosed by fire walls, fire barriers, or walls extending from floor to ceiling but does not include patio areas included solely within the horizontal projection of the roof or floor next above.
2. The fire area exceeds 5,000 square feet.
3. The fire area has an occupant load of 100 or more.
4. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
5. The structure exceeds 5,000 square feet, contains more than one fire area containing a Group A-2 occupancy, and is separated into two or more buildings by fire walls of less than four-hour resistance rating without openings.

51) Delete subsection 903.2.1.3 Group A-3

52) Delete subsection 903.2.1.4 Group A-4

53) Delete subsection 903.2.1.5 Group A-5

54) Amend item 1 of subsection 903.2.3, Group E, to read as follows:

1. Throughout all Group E fire areas greater than 3,000 square feet in area.

55) Amend the exception to item 2 of subsection 903.2.3 Group E, to read as follows:

Exception: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level and the fire area does not exceed 3,000 square feet.

- 56) Amend items 1 and 3 of subsection 903.2.4, Group F-1, to read as follows:
1. Where a Group F-1 fire area exceeds 3,000 square feet.
  3. Where the combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 3,000 square feet.
- 57) Amend items 1, 3, 4 and 5 of subsection 903.2.7, Group M, to read as follows:
1. Where a Group M fire area exceeds 3,000 square feet.
  3. Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 3,000 square feet.
  4. A Group M occupancy used for the display and sale of upholstered furniture and mattresses exceeds 3,000 square feet.
  5. The structure exceeds 3,000 square feet, contains more than one fire area containing a group M occupancy and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating.
- 58) Amend items 1, 3 and 4 of subsection 903.2.9, Group S-1, to read as follows:
1. A Group S-1 fire area exceeds 3,000 square feet.
  3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 3,000 square feet.
  4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 3,000 square feet.
- 59) Amend items 1, 2 and 4 of subsection 903.2.9.1, Repair garages, to read as follows:
1. Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 3,000 square feet.
  2. One-story buildings with a fire area containing a repair garage exceeding 3,000 square feet.
  4. A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 3,000 square feet.
- 60) Amend subsection 903.2.10, Group S-2 enclosed parking garages, to read as follows:

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy, as classified in accordance with section 406.6 of the California Building Code, where one of the following conditions exists:

1. A Group S-2 fire area exceeds 3,000 square feet; or

Exception: Group S-2 carports – 100% open on all sides of non-combustible construction.

2. Where the enclosed parking garage is located beneath other groups.

- 61) Amend subsection 903.2.10.1, Commercial parking garages, to read as follows:

903.2.10.1 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the fire area of the enclosed parking garage exceeds 3,000 square feet.

- 62) Add new subsection 903.2.21, Group B, to read as follows.

903.2.21 Group B. An automatic sprinkler system shall be provided throughout all new buildings containing a Group B occupancy that exceeds 3,000 square feet.

- 63) Add new subsection 903.2.22, Group F-2, to read as follows:

903.2.22 Group F-2. An automatic sprinkler system shall be provided throughout all new buildings containing a Group F-2 occupancy that exceeds 3,000 square feet.

- 64) Amend subsection 903.3.9, Floor control valves, to read as follows:

903.3.9 Floor control valves. Approved supervised indicating control valves, check valves, water flow detection assemblies and main drains shall be provided at the point of connection to the riser on each floor in buildings three or more stories in height unless otherwise approved by the Fire Code Official. Valve locations will be determined and approved by the Fire Code Official.

- 65) Add new subsection 903.6.1, Increased square footage, to read as follows:

903.6.1 Increased square footage. Any existing building or structure undergoing construction or alteration which adds square footage exceeding the total floor area as prescribed in Section 903.2, shall require an approved automatic fire sprinkler system.

Exceptions: (1) One and two-family dwellings and manufactured homes; and (2) additions to occupancies equating to fifty (50) percent or less of total floor area. Fire sprinkler requirements for these occupancies shall be

determined based on California Fire Code Table B105.1 – Minimum Required Fire Flow for Buildings.

- 66) Amend subsection 907.2.12, High-rise buildings, to read as follows:

907.2.12 High-rise buildings. High-rise buildings and buildings having occupied floors located more than 60 feet above the lowest level of fire department vehicle access shall be provided with an automatic smoke detection system in accordance with 907.2.12.1 and emergency voice/alarm communication systems in accordance with Section 907.5.2.2.

- 67) Amend subsection 907.2.18, Deep Underground buildings, to read as follows:

907.2.18 Deep underground buildings. All underground buildings shall be equipped throughout with a manual fire alarm system, including an emergency voice/alarm communication system installed in accordance with section 907.5.2.2.

- 68) Delete "Exception" to subsection 914.2.1, Automatic sprinkler system.

- 69) Delete "Exception" to subsection 914.3.1 Automatic sprinkler system.

- 70) Adopt Chapter 10 Means of Egress in its entirety without amendments.

- 71) Chapter 11 Construction Requirements for Existing Buildings. Adopt only those sections and subsections listed below and with the following amendments:

- 72) Adopt only those sections and subsections as listed below and with the following amendments in Chapter 11, Construction requirements for existing buildings:

1103.7  
1103.7.3  
1103.7.3.1  
1103.7.8 - 1103.7.8.2  
1103.7.9- 1103.7.9.10  
1103.8 - 1103.8.5.3  
1103.9.1  
1107  
1113  
1114  
1115  
1116

- 73) Add new subsection 1103.11, Increased hazard class in change of use, to read as follows:

1103.11 Increased Hazard Class in Change of Use. An approved fire alarm system shall be installed in existing, non-sprinklered buildings when a change of use occurs resulting in a higher hazard classification.

74) Chapter 12 Energy Systems is adopted in its entirety with the following amendment added:

75) Add new subsection 1201.1.1, Other systems, to read as follows:

1201.1.1 Other Systems. Where required by the Fire Code Official, other systems and operations including but not limited to battery systems assembly, battery reconditioning and storage, research and development of battery storage systems, electric vehicle manufacturing and testing, and battery charging systems for cars and carts inside of buildings or structures, shall comply with this chapter.

Exception: When approved by the Fire Code Official, charging stations for electric vehicles located in open parking garages of Type I or II construction.

76) Adopt Chapter 20 Aviation Facilities, Chapter 21 Dry Cleaning, Chapter 22 Combustible Dust-Producing Operations, Chapter 23 Motor Fuel-Dispensing Facilities and Repair Garages, Chapter 24 Flammable Finishes, Chapter 25 Fruit and Crop Ripening, Chapter 26 Fumigation and Insecticidal Fogging, Chapter 27 Semiconductor Fabrication Facilities, Chapter 29 Manufacture of Organic Coatings, Chapter 30 Industrial Ovens, Chapter 31 Temporary Special Event Structures and Other Membrane Structures, Chapter 32 High-Piled Combustible Storage, Chapter 33 Fire Safety During Construction and Demolition, Chapter 34 Tire Rebuilding and Tire Storage, Chapter 35 Welding and Other Hot Work, Chapter 36 Marinas, Chapter 37 Combustible Fibers, Chapter 39 Processing and Extraction Facilities, and Chapter 48 Motion Picture and Television Production Studio Sound Stages, Approved Production Facilities and Production Locations in their entirety without amendments.

77) Chapter 28 Lumber Yards and Agro-Industrial, Solid Biomass and Woodworking Facilities is adopted in its entirety with the following amendment listed below:

78) Amend subsection 2801.2, Permit, to read as follows:

2801.2 Permit. Permits shall be required as set forth in Section 105.6 and 105.6.29.

79) Chapter 49 Requirements for Wildland-Urban Interface Fire Areas is adopted in its entirety with the following amendments:

80) Amend subsection 4906.3, Requirements, to read as follows:

4906.3 Requirements. Hazardous vegetation and fuels around all applicable buildings and structure shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Section 4291.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation "General Guideline to Create Defensible Space").
3. California Government Code, Section 51182.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.
5. PSFD's Appendix S (Vegetation Management in Very High Fire Hazard Severity Zones).

- 81) Add new section 4908, Fuel Modification Requirements for New Construction to read as follows:

**SECTION 4908 FUEL MODIFICATION REQUIREMENTS FOR NEW CONSTRUCTION**

4908.1 Fuel Modification Requirements for New Construction. All new buildings to be built or installed in a Wildfire Risk Area shall comply with the following:

1. Preliminary fuel modification plans shall be submitted to and approved by the Fire Code Official prior to or concurrently with the approval of any tentative map.
2. Final fuel modification plans shall be submitted to and approved by the Fire Code Official prior to the issuance of a grading permit.
3. The fuel modification plans shall meet the criteria set forth in the Fuel Modification Section of PSFD Appendix S "Vegetation Management in Very High Fire Hazard Severity Zones."
4. The fuel modification plan shall include provisions for the maintenance of the fuel modification in perpetuity.
5. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval from the Fire Code Official.
6. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

- 82) Chapter 50 Hazardous Materials - General Provisions is adopted in its entirety with the following amendments:

- 83) Amend subsection 5001.5.2, Hazardous materials inventory statement (HMIS), to read as follows:

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the Fire Code Official, an application for a permit shall include Palm Springs Fire Department's Chemical Classification Packet which shall be completed and approved prior to approval of plans, and/or the storage, use or handling of chemicals on the premises. The HMIS Chemical Classification Packet shall include the following information:

1. Product Name.
2. Component.
3. Chemical Abstract Service (CAS) number.
4. Location where stored or used.
5. Container size.
6. Hazard classification.
7. Amount in storage.
8. Amount in use-closed systems.
9. Amount in use-open systems.

- 84) Add subsection 5003.1.1.1, Extremely hazardous substances, to read as follows:

5003.1.1.1 Extremely Hazardous Substances. No person shall use or store any amount of extremely hazardous substances (EHS) in excess of the disclosable amounts (see Health and Safety Code Section 25500 et al) in a residential zoned or any residentially developed property.

- 85) Adopt Chapter 51 Aerosols, Chapter 53 Compressed Gases, Chapter 54 Corrosive Materials, and Chapter 55 Cryogenic Fluids in their entirety without amendments.

- 86) Chapter 56 Explosives and Fireworks is adopted in its entirety with the following amendments:

- 87) Add subsection 5608.2, Firing, to read as follows:

5608.2 Firing. All fireworks displays, regardless of mortar, device, or shell size, shall be electrically fired.

- 88) Add subsection 5608.3, Application for permit, to read as follows:

Section 5608.3 Application for Permit. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the fallout area based on 100 feet per inch of shell size, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone line, or other overhead obstructions shall be provided to PSFD.

- 89) Add new section 5614, "Safe and Sane" and Dangerous Fireworks, to read as follows:

#### SECTION 5614 "SAFE AND SANE" AND DANGEROUS FIREWORKS

5614.1 Prohibition. The manufacture, sale, possession, storage, handling or use of "safe and sane" fireworks as currently defined in the California Health and Safety Code section 12529 or "dangerous fireworks" as currently defined in the California Health and Safety Code section 12505 or thereafter amended by state statute is prohibited in the City of Palm Springs. The provisions of this section do not apply to fireworks displays conducted in accordance with the provisions of any permit issued by the Palm Springs Fire Department.

5614.2 Seizure of fireworks. Any authorized City of Palm Springs Fire Code Official, peace officer or other city official authorized to enforce the Palm Springs Municipal Code may seize, take, remove, or cause to be removed at the expense of the owner all prohibited fireworks and explosives. This will include all persons, firms or corporations, who manufacture, sell, possess, store, handle or use any prohibited fireworks or explosives as currently described in the California Fire Code sections 5601 and 5608.

- 90) Add new section 5615, Explosives, to read as follows:

#### SECTION 5615 EXPLOSIVES

5615.1 Prohibition. The manufacture, sale, possession, storage, handling or use of non-permitted "explosives" as currently defined in Title 19 of the California Code of Regulations, Section 1550 or thereafter amended by state law is prohibited in the City of Palm Springs.

- 91) Chapter 57 Flammable and Combustible Liquids is adopted in its entirety with the following amendments:

- 92) Add item 4 to subsection 5704.2.11.1, Location, to read as follows:

4. The installation of underground combustible/flammable liquid tanks is hereby prohibited in all residential districts. The Fire Code Official may authorize installation of underground combustible/flammable liquid tanks in agricultural, commercial and manufacturing districts.

- 93) Adopt Chapter 58 Flammable Gases and Flammable Cryogenic Fluids, Chapter 59 Flammable Solids, Chapter 60 Highly Toxic and Toxic Materials, Chapter 61 Liquefied Petroleum Gases, Chapter 62 Organic Peroxides, Chapter 63 Oxidizers, Oxidizing Gases, and Oxidizing Cryogenic Fluids, Chapter 64 Pyrophoric Materials, Chapter 65 Pyroxylin (Cellulose Nitrate) Plastics, Chapter 66 Unstable (Reactive) Materials, Chapter 67 Water-Reactive Solids and Liquids, and Chapter 80 Referenced Standards in their entirety without amendments.

- 94) Appendix B is adopted in its entirety with the following amendments:
- 95) Amend subsection B101.1, Scope, of Appendix B, to read as follows:
- B101.1 Scope. The procedures for determining fire-flow requirements for buildings or portions or buildings hereafter constructed shall be in accordance with this appendix. This appendix does not apply to structures other than buildings. Additions to buildings equating to 50% or less increase in square footage will not require fire flow analysis.
- 96) Add Appendix "P", Palm Springs Fire Department Five Minute Response Time Map.
- 97) Add Appendix "Q", City of Palm Springs Very High Fire Hazard Severity Zones Map in LRA As Recommended by Cal Fire.
- 98) Add Appendix "S", Vegetation Management in Very High Fire Hazard Severity Zones
- 99) Add Appendix "T", Palm Springs Fire Department Development Requirements

SECTION 4. Section 8.04.520 International Fire Code—Adopted is hereby deleted in its entirety.

SECTION 5. Findings. The City Council of the City of Palm Springs ("City") is informed and finds that it is reasonably necessary to amend certain portions of the 2019 California Fire Code, California Code of Regulations Title 24, Part 9, to meet the particular climatic, geological and topographical conditions existing in the City. The City Council further finds that some changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code, or are reasonably necessary to safeguard life and property within the City. The City Council hereby adopts the following (climatic, geological, and topographical, where applicable) findings to support the proposed amendments to the 2019 California Fire Code made herein in this Ordinance:

- A. Climatic Conditions: Palm Springs has an arid desert climate with annual rainfall of is less than 6 inches. There are more than one hundred days a year when temperatures are 100 degrees or more. Hot, dry winds during the summer months along with seasonal Santa Ana winds are common to Palm Springs. These winds constitute a contributing factor which causes small fires originating in high density developments presently being constructed in Palm Springs, which spread quickly and create the need for an increased level of fire protection. This added protection, including, but not limited to, on-site fire protection systems, will supplement normal fire department response available in new development and provide immediate fire protection for life and safety of occupied single and multiple-occupancy buildings during fire occurrence;

**B. Geological and Topographical Conditions:**

1. Palm Springs is located in the desert that contains mountains, brush, and covered wild lands. Elevation ranges from 479 feet in the central business district 4,000 feet in the mountains in the most Southern boundaries of the city limits. Topography extends from flat to 15% slope for habitable land. Traffic and circulation congestion in the urban areas to buildings located in the commercial areas in the most Northern and Eastern boundaries of the city limits often place fire department response time to emergencies at risk. This condition makes the need for enhanced on-site fire protection systems for property occupants necessary; and
2. The San Andreas Fault is a major earthquake fault located in close proximity to the City of Palm Springs. In addition, there are numerous minor faults located throughout Riverside County which are subject to earthquakes. In addition, Palm Springs is also subject to high wind conditions, blowing sand, flooding, landslides and wildfires. The placement of existing and new development buildings along with fire department staffing constraints have made it difficult for the fire department to locate additional fire stations. These constraints challenge current staffing to concentrate fire companies and personnel to control fires in single and multi-story retail buildings, commercial, and industrial buildings, making enhanced, built-in fire protection systems necessary.

Amendments to the 2019 Edition of the California Fire Code provisions listed below are determined to be reasonably necessary based on the climatic, geological, and/or topographical conditions presented in this Ordinance and as referenced in the following table:

<u>Fire Code Section</u>	<u>Findings</u>
202	Climatic, Geological and Topographical #2
304.1.2	Climatic, Geological and Topographical #1
305.6	Climatic, Geological and Topographical #1
305.7	Climatic, Geological and Topographical #1
307.6	Climatic, Geological and Topographical #1
307.6.1	Climatic, Geological and Topographical #1
307.6.2	Climatic, Geological and Topographical #1
307.6.2.1	Climatic, Geological and Topographical #1
308.1.6.3	Climatic, Geological and Topographical #1
321	Climatic, Geological and Topographical #1
322	Climatic, Geological and Topographical #1
323	Climatic, Geological and Topographical #1
324.1 – 325.3	Climatic, Geological and Topographical #1
407.5	Climatic, Geological and Topographical #2
501.1	Climatic, Geological and Topographical #2
503.1.1.1, 503.2.3, 503.2.4, 503.2.5, 503.2.9, 503.2.10, 503.2.11, 503.6	Climatic
506.3	Climatic, Geological and Topographical #2
901.6.1.1	Geological and Topographical #2
903.2, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.3, 903.2.4, 903.2.7, 903.2.9, 903.2.9.1, 903.2.10, 903.2.10.1, 903.2.21, 903.2.22, 903.3.9, 903.6.1	Climatic, Geological and Topographical #2
907.2.12, 907.2.18	Climatic, Geological and Topographical #2
914.2.1, 914.3.1	Climatic, Geological and Topographical #2
1103.11	Climatic, Geological and Topographical #1
1201.1.1	Climatic, Geological and Topographical #2
4906.3	Climatic, Geological and Topographical #1
4908	Climatic, Geological and Topographical #1
5001.5.2	Climatic, Geological and Topographical #2
5003.1.1.1	Climatic, Geological and Topographical #2
5608.2	Climatic, Geological and Topographical #2
5608.3	Climatic, Geological and Topographical #2
5614	Geological and Topographical #1
5615	Climatic
5704.2.11.1	Climatic
Appendix B101.1	Climatic, Geological and Topographical #2
Appendix P	Climatic, Geological and Topographical #2
Appendix Q	Climatic, Geological and Topographical #2
Appendix S	Climatic, Geological and Topographical #2
Appendix T	Climatic, Geological and Topographical #2

Amendments not listed in the table are administrative standards for the effective enforcement of building standards in the City. They are necessary for administrative clarification, and do not modify a building standard pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5.

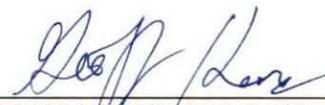
SECTION 6. EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City Council finds that the amendments to the Municipal Code, made pursuant to this Ordinance, are exempt from the California Environmental Quality Act ("CEQA") because they do not constitute a project within the meaning of CEQA Section 15378. The amendments herein have no potential for resulting in physical change to the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. These amendments do not allow any new activities, but merely adopt updated language. The City Clerk shall be the custodian of record for the documentation supporting this action. Staff is hereby directed to file a Notice of Exemption with within five (5) days of the adoption of this Ordinance.

SECTION 7. OPERATIVE DATE. The provisions of this Ordinance shall become operative on February 9, 2020; the effective date of the 2019 edition of the California Fire Code, enacted by the State of California, is January 1, 2020.

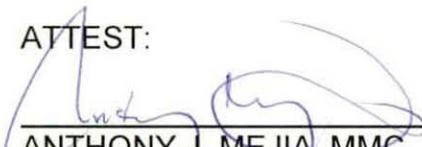
SECTION 8. EFFECTIVE DATE. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

SECTION 9. SEVERABILITY. If any section, subsection, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Palm Springs, hereby declares that it would have passed this ordinance and each section of subsection, sentence, clause and phrase thereof, irrespective of the clauses or phrases being declared invalid.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 9<sup>TH</sup> DAY OF JANUARY, 2020.

  
\_\_\_\_\_  
GEOFF KORS, MAYOR

ATTEST:

  
\_\_\_\_\_  
ANTHONY J. MEJIA, MMC  
CITY CLERK

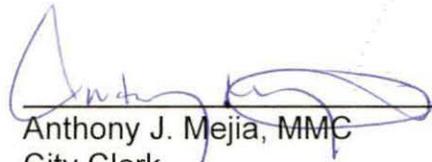
CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, ANTHONY MEJIA, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. 2009 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the 19<sup>th</sup> day of December, 2019, and adopted at a regular meeting of the City Council held on the 9<sup>th</sup> day of January, 2020, by the following vote:

AYES: Councilmembers Garner, Middleton, Woods, Mayor Pro Tem Holstege, and Mayor Kors  
NOES: None  
ABSENT: None  
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this 16<sup>th</sup> day of January, 2020.

  
\_\_\_\_\_  
Anthony J. Mejia, MMC  
City Clerk