

**EFFECTIVE DATE
OF ORDINANCE**

April 16, 2020

ORDINANCE NO. 2723 N.C.S.

1 Introduced by

Seconded by

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3
4 Dave King

D'Lynda Fischer

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6
7 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA REPEALING AND REPLACING**
8 **SECTION 17.20.070 OF THE PETALUMA MUNICIPAL CODE TO AMEND THE 2019 CALIFORNIA**
9 **FIRE CODE, CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, PART 9, CHAPTER 56 BASED**
10 **ON THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING LOCAL**
11 **AMENDMENTS TO SPECIFIED PROVISIONS OF THE CALIFORNIA BUILDING STANDARDS**
12 **CODE BANNING THE SALE AND USE OF SAFE AND SANE FIREWORKS**
13

14 **WHEREAS**, Section 17.20.070 of the Petaluma Municipal Code, adopts the California Building
15 Standards Code, known as the California Code of Regulations, Title 24, Part 9, incorporating the
16 International Fire Code, 2018 Edition, and contains the City's existing regulations regarding the use
17 of fireworks; and,

18 **WHEREAS**, local climatic and topographical conditions increase the fire risk posed by
19 fireworks, and regulations that strictly govern the use of fireworks are necessary to protect the public
20 health and safety; and

21 **WHEREAS**, the City of Petaluma desires to increase enforcement of the prohibition on the use
22 of fireworks in the City; and

23 **WHEREAS**, the use of fireworks within the City of Petaluma presents unique enforcement
24 challenges, and the public health, safety and welfare would be safeguarded by the imposition of a
25 fireworks ban

26 **NOW, THEREFORE, BE IT ORDAINED** by the council of the City of Petaluma as follows:

27 Section 1. Recitals. The above recitals are adopted as findings of the City Council in enacting this
28 ordinance.

29 Section 2. Amended. Section 17.20.070 of the Petaluma Municipal Code is amended to repeal
30 existing sections previously adopted and add new sections 5608.1.2 and 5608.2 to the adopted
31 California Code of Regulations, Title 24, Part 9, "California Fire Code," Chapter 56 therein, to read as
32 follows:

33 **SECTION 1: FINDINGS**

34 The City Council of the City of Petaluma finds that in order to best protect the health, safety
35 and welfare of the citizens of the City of Petaluma, the standards of building within the City
36 must conform with state law except where local climatic, geological, and topographic
37 conditions warrant more restrictive regulations.

1 Pursuant to California Health and Safety Code Section 17958.7, the City Council makes the
2 factual findings set forth in "Exhibit A" attached hereto and incorporated herein by reference,
3 and finds that the amendments made in this ordinance to the California Building Standards
4 Code Title 24, Parts 9, Chapter 56 is reasonably necessary because of the local climatic,
5 geological or topographical conditions described in Exhibit A.

6 **SECTION 2: CURRENT BUILDING CODES ADOPTED**

7 Chapter 17.20.070 of the Petaluma Municipal Code, entitled "Fire Code Chapter 56 – Explosives and
8 Fireworks" is hereby amended to read as follows:

9 17.20.070: Adoption of Fire Code Chapter 56 – Explosives and Fireworks

10 Pursuant to Section 50022.2 of the California Government Code, the following codes are adopted by
11 reference, including the amendments listed in this chapter which are made pursuant to the findings
12 of fact set forth in the adopting ordinance.

13 A. Part 9—2019 California Fire Code Chapter 56 – Explosives and Fireworks;

14 **5608.1.2 Permit required for pyrotechnic displays.**

15 Section 5608.1.2 is added to read as follows:

16 **5608.1.2 Permit required.** A permit shall be obtained from the fire code official in
17 accordance with Section 105.6 prior to the performance of any firework display.
18 Application for such approval shall be made in writing no less than twenty (20) days
19 prior to the proposed display. The application shall be considered and acted upon by
20 the fire code official or authorized designee pursuant to this Chapter and *Title 19,*
21 *Chapter 6, Article 3 - Licenses of the California Code of Regulations.* Any permit for a
22 fireworks display may be suspended or revoked at any time by the Fire code official or
23 authorized designee.

24 **5608.2 Limitations.**

25 Section 5608.2 is added to read as follows:

26 **5608.2 Limitations.** Possession, storage, offer or expose for sale, sale at retail, gift or give
27 away, use, explosion, discharge, or in any manner disposal of fireworks is prohibited
28 within the City of Petaluma.

29 **Exception:** Pyrotechnic displays authorized pursuant to section 5608.1 for which a
30 permit has been issued.

31 **SECTION 3: SEVERABILITY** If any part of this Ordinance is for any reason held to be
32 unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such
33 decision will not affect the validity of the remaining parts of this Ordinance. The City Council
34 of the City of Petaluma hereby declares that it would have passed and adopted this
35 Ordinance and each of its provisions irrespective of any part being held invalid.

36 **SECTION 4: CEQA** The City Council finds that this Ordinance is not subject to the California
37 Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines
38 because the activity has no potential for resulting in a direct or reasonably foreseeable indirect
39 physical change in the environment, and pursuant to Section 15060(c)(3) of the CEQA Guidelines
40 because the activity is not a project as defined in Section 15378) of the CEQA Guidelines and
41 because the activity consists of action taken by a regulatory agency as authorized by state or local
42 ordinance to assure the maintenance, restoration, enhancement or protection of the environment

1 in accordance with Section 15308 of the CEQA Guidelines where, as in this case, the regulatory
2 process involves procedures for protection of the environment from the fire risk associated with use
3 of fireworks in the City.


4 **SECTION 7: EFFECTIVE DATE/REFERENDUM PERIOD** This ordinance shall become effective thirty
5 (30) days after the date of its adoption by the Petaluma City Council.

6 **SECTION 6: POSTING/PUBLISHING OF NOTICE** The City Clerk is hereby directed to post and/or
7 publish this ordinance or a synopsis of it for the period and in the manner required by the City
8 Charter. The City Clerk is also hereby directed to file a Notice of Exemption concerning this
9 ordinance with the Office of the Sonoma County Clerk in accordance with Section 15062 of
10 the CEQA Guidelines.

11 **INTRODUCED** and ordered posted/published, this 2nd day of March 2020.

12 **ADOPTED** this 16th day of March 2020, by the following vote:

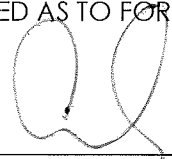
13
14 Ayes: Healy, Kearney, King, McDonnell, Miller
15 Noes: Mayor Barrett, Vice Mayor Fischer
16 Abstain: None
17 Absent: None
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23 _____
24 Teresa Barrett, Mayor

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26 ATTEST:

27 APPROVED AS TO FORM:

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30 _____
31 Claire Cooper, CMC, City Clerk

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35 Eric Danly, City Attorney
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FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS TO THE CALIFORNIA FIRE CODE, 2019 EDITION WITH CALIFORNIA AMENDMENTS, DUE TO LOCAL CONDITIONS

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CHANGES OR MODIFICATIONS: Pursuant to Section 17958 of the State of California Health and Safety Code, the governing body of the City of Petaluma in its Ordinance adopting and amending the 2019 Edition of the California Fire Code, changes or modifies certain provisions of the California Building Standards Code as it pertains to the regulation of buildings used for human habitation. A copy of the text of such changes or modifications is attached.

FINDINGS: Pursuant to Sections 17958.5 and 17958.7(a) of the State of California Health and Safety Code, the governing body of the City of Petaluma has determined and finds that all the attached changes or modifications are needed and are reasonably necessary because of local climatic, geological and topographic conditions as discussed below.

LOCAL CONDITIONS: Local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage and (3) the potential for life and property loss, making the changes or modifications in the California Fire Code and the State Building Standards Code necessary in order to provide a reasonable degree of property security and fire and life safety in the City of Petaluma.

Below are adverse local climatic, geological and topographic conditions that necessitate the modifications to the California Fire Code and California Building Standards Code.

CLIMATIC (a)

Precipitation: Precipitation ranges from twenty inches (20") to approximately twenty-five inches (25") per year. Approximately ninety percent (90%) falls during the months of November through April and ten percent (10%) from May through October. Severe flooding occurred during the months of January and March 1995 and in 1998 and 2006.

Relative Humidity: Humidity generally ranges from fifty percent (50%) during daytime and eighty-six percent (86%) at night. It drops to twenty percent (20%) during the summer months and occasionally drops lower during the months of September through November.

Temperatures: Temperatures have been recorded as high as 104 degrees Fahrenheit. Average summer highs are in the 78-85 degree range.

Winds: Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5-15 mph range, gusting to 7.4-30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.

Summary: These local climatic conditions affect the acceleration, intensity, and size of fires in the community. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area also adversely impact structure fires in buildings in close proximity to one another. Winds can carry sparks and burning branches to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building and create a blowtorch effect, in addition to preventing natural ventilation and cross-ventilation efforts. Petaluma's downtown and surrounding areas contain numerous

1 historic and older buildings that are located very close together, which exacerbates the fire danger
2 from dry conditions, wind, and shake/shingle roofs.

3 **TOPOGRAPHIC (b)**

4 The topographic fire environment of a community is primarily the combination of two factors: the
5 area's physical geographic characteristics and the historic pattern of urban-suburban development.
6 These two factors, alone and combined, create a mixture of environments which ultimately
7 determine the areas' fire protection needs.

8 The basic geographical boundaries of the City include hills to the south and west, and valley floor in
9 the central area and to the north and east. The Petaluma River bisects the City through the central
10 area. The City of Petaluma covers thirteen (13) square miles and contains an urban population
11 estimated at 58,000. The City's service area is a conglomeration of bay, plains, hills, valleys, and
12 ridges. Currently, within the City, are three (3) fire stations and fifty-three (53) fire personnel (58 when
13 fully staffed). Because of the size of the City of Petaluma, the characteristics of the fire environment
14 changes from one location to the next. For example, the central downtown area contains older
15 buildings situated close together, which increases the ability of fire to spread from one building to
16 the next. In contrast, some of the properties on the outlying hills are far apart, but contain large
17 grassy acreages that promote quickly-spreading wildfires during the long dry season.

18 The City's development pattern also contributes to its unique fire protection needs. Development
19 has traditionally occurred on the flat lands (0 – 5% slope) in the central and eastern portions of the
20 City. However, over the last ten (10) years, development has spread into the hills and the smaller
21 valleys and canyons. This development has significantly increased the service area for the City's fire
22 department and has added complicated logistical challenges for getting fire equipment to remote
23 fires or fires on steep hillsides. The majority of the hillsides in these areas have slopes ranging from 15
24 - 30%. As a basic rule of thumb, the rate of spread will double as the slope percentage doubles, all
25 other factors remaining the same.

26 The local vegetation further contributes to fire dangers in the City. Petaluma's semi-arid
27 Mediterranean-type climate produces vegetation similar to that of most of Sonoma County. In the
28 long periods of the year with little or no rain (April through October), this vegetation provides ready
29 fuel for fast-spreading wildfires.

30 Moreover, some of the structures in the City have combustible wood-shingle or shake roofs. This very
31 flammable material is susceptible to ignition by embers from a wild land fire, furthering the spread of
32 fire to adjacent buildings.

33 **GEOLOGICAL (c)**

34 The above local topographic conditions enhance the magnitude, exposure, accessibility problems,
35 and fire hazards presented to the City of Petaluma. Fire following an earthquake has the potential
36 of causing greater loss of life and damage than the earthquake itself.

37 The relatively young geological processes that have created the San Francisco Bay Area are still
38 active today. Two (2) active earthquake faults (San Andreas and Hayward-Rodgers Creek) affect
39 the Petaluma area. Approximately fifty percent (50%) of the City's land surface is in the high-to-
40 moderate seismic hazard zones.

41 The majority of the City's industrial complexes are located in the highest seismic risk zones. The
42 highest seismic risk zone also contains the largest concentration of hazardous materials. Hazardous
43 materials, particularly toxic gases, could pose the greatest threat to the largest number people,
44 should a significant seismic event occur. The City's resources would have to be prioritized to mitigate
45 the greatest threat, and may likely be unavailable for fires in smaller single-dwellings and structures.

- 1 Other variables that may intensify the fire danger after a major seismic event include:
- 2 • The extent of damage to the water system;
 - 3 • The extent of isolation due to bridge and/or freeway overpass collapse;
 - 4 • The extent of roadway damage and/or amount of debris blocking the roadways;
 - 5 • Climatic conditions (hot, dry weather with high winds);
 - 6 • Time of day, which will influence the amount of traffic on roadways and could intensify the
7 risk to life during normal business hours;
 - 8 • The availability of timely mutual aid or assistance from neighboring departments, which will
9 likely have similar emergencies at the same time; and
 - 10 • The large portion of dwellings with wood shingle roof coverings, which will increase the
11 likelihood of conflagrations.

12 **Conclusion**

13 Local climatic, geological and topographic conditions impact fire protection efforts, and the
14 frequency, spread, acceleration, intensity and size of fire involving buildings in this community.
15 Further, they impact potential damage to all structures from earthquake and subsequent fire.
16 Therefore, it is reasonably necessary that the California Fire Code be changed or modified to
17 mitigate the effects of the above conditions. Theses local climactic and geological conditions have
18 necessitated these minor modifications to the Title 24, Part 9, California Fire Code.

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