

ORDINANCE NO. 14-1**AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE CHAPTER 14 (BUILDINGS AND BUILDING REGULATIONS) ARTICLE VI (FIRE CODE) ADOPTING THE 2013 CALIFORNIA FIRE CODE AND RATIFYING THE AMENDMENTS CONTAINED IN COUNTY ORDINANCE NO. 2013-22****THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:**

WHEREAS, the City of Concord is wholly contained within the geographical boundaries of a legal special district known as the Contra Costa County Fire Protection District (“Fire District”), formed pursuant to California Health and Safety Code Section 13800 et seq; and

WHEREAS, the Fire District has responsibility for emergency, medical first-responder services, fire suppression and fire protection duties within its special district boundary, including within the City of Concord; and

WHEREAS, on October 22, 2013 the Contra Costa County Board of Supervisors in its capacity as the Board of Directors of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District adopted the 2013 California Fire Code with technical amendments by adopting Ordinance 2013-22, and as part of such adoption made express findings in support of technical amendments to the 2013 California Fire Code based upon climatic, topographical, and geological conditions (“Findings”); and

WHEREAS, in accordance with California Health and Safety Code Section 13869.7, a city may ratify, modify or deny a fire protection district-adopted ordinance, and no ordinance adopted by a fire protection district shall be effective within the municipal limits of a city until ratified by the city; and

WHEREAS, pursuant to California Health and Safety Code Section 13869.7, any fire protection district that adopts an ordinance pertaining to building standards related to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal shall transmit the adopted ordinance to the city where the ordinance will apply; and

WHEREAS, the Fire District transmitted Ordinance No. 2013-22 and a copy of the Findings to the City in accordance with California Health and Safety Code requirements; and

1 **WHEREAS**, the Chief Building Official for the City of Concord has recommended
2 ratification of Ordinance No. 2013-22 in its entirety; and

3 **WHEREAS**, as discussed in the Findings, local climatic, geological, and topographical
4 conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity, and size of
5 fire involving buildings in the City of Concord; and

6 **WHEREAS**, the City Council does hereby find and determine that the amendments to the
7 2013 California Fire Code, as expressed in Ordinance No. 2013-22 and as discussed by the Findings,
8 to be reasonably necessary because of local climatic, geological and topographical conditions; and

9 **WHEREAS**, the City Council does hereby find and determine that the ratification of
10 Ordinance No. 2013-22 within the jurisdictional boundary of the City of Concord is a responsible
11 measure to provide additional reasonable and uniform degrees of fire and life safety to its citizens,
12 businesses and community; and

13 **WHEREAS**, the City Council does hereby ratify Ordinance No. 2013-22 and adopt the
14 Findings; and

15 **WHEREAS**, pursuant to California Health and Safety Code Section 13869.7 (h)(1), the City
16 Council does hereby delegate enforcement of Ordinance No. 2013-22 within the jurisdictional limits
17 of the City of Concord to the Fire Chief of the Contra Costa County Fire Protection District or
18 authorized representative.

19 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES**
20 **ORDAIN AS FOLLOWS:**

21 **Section 1:** Concord Municipal Code Chapter 14 (Buildings and Building Regulations)
22 Article VI (Fire Code) Sections 14-151, 14-152, and 14-153 are hereby amended in their entirety to
23 read as follows.

24 **Sec. 14-151. Fire Code adopted.**

25 The 2013 California Fire Code, California Code of Regulations, Title 24, Part 9, published by the
26 California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA
27 95833-2936, with state supplements published from time to time (collectively, “California Fire
28 Code”), a copy of which is filed in the office of the Building Official, is hereby adopted and referred

1 to, and by this reference, expressly incorporated and made a part of this chapter as though fully set
2 forth in this chapter, subject to the amendments set forth in this chapter.

3 The California Fire Code, as amended in this chapter, shall be known, designated and referred to as
4 the “Fire Code” for the City of Concord.

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6 **Sec. 14-152. Contra Costa County Fire Protection District Ordinance adopted.**

7 Ordinance 2013-22 of the Contra Costa County Fire Protection District, adopted October 22, 2013, is
8 hereby ratified by the City Council under the authority of California Health and Safety Code §
9 13869.7. Ordinance 2013-22 adopts the 2013 California Fire Code (California Code of Regulations,
10 Title 24, Part 9, including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix
11 F, Appendix H, Appendix I, Appendix J, and Appendix K), as amended by the changes, additions and
12 deletions set forth in the ordinance. The provisions of the 2013 California Fire Code as amended by
13 District Ordinance 2013-22 shall be controlling and enforceable within the jurisdictional boundaries of
14 the City of Concord.

15 **Sec. 14-153. Delegation of enforcement to Fire Chief.**

16 Pursuant to California Health and Safety Code § 13869.7, the City Council delegates
17 enforcement of Ordinance 2013-22 to the Fire Chief of the Contra Costa County Fire Protection
18 District or his or her authorized representatives.

19 **Section 2.** **Severability.** If any sections, subsections, sentences, clauses, phrases or
20 portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not
21 affect the validity of the remaining portions of this ordinance. The City Council hereby declares that
22 it would have passed this and each section, subsection, phrase or clause of this ordinance whether or
23 not any one or more sections, subsections, phrases or clauses may be declared invalid or
24 unconstitutional on their face or as applied.

25 **Section 3:** This Ordinance No. 14-1 shall become effective thirty (30) days following its
26 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire
27 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
28 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,

1 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's
2 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and
3 once within fifteen (15) days after its passage and adoption, including the vote of the
4 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of
5 Concord.

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Timothy S. Grayson
Mayor

9 ATTEST:

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Mary Rae Lehman
12 City Clerk

13 (Seal)

14 Ordinance No. 14-1 was duly and regularly introduced at a regular meeting of the City Council
15 held on January 28, 2014, and was thereafter duly and regularly passed and adopted at a regular
16 meeting of the City Council held on February 11, 2014 by the following vote:

17 **AYES:** Councilmembers -

18 **NOES:** Councilmembers -

19 **ABSTAIN:** Councilmembers -

20 **ABSENT:** Councilmembers -

21 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
22 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

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Mary Rae Lehman, CMC
26 City Clerk