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ORDINANCE NO. 2491
[Ordinance for Introduction]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO, AMENDING, ADDING, OR REPEALING CERTAIN CHAPTERS AND SECTIONS IN TITLE 16R AND TITLE 16 OF THE CHICO MUNICIPAL CODE RELATING TO THE ADOPTION BY REFERENCE OF THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2016 EDITIONS OF THE CALIFORNIA BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, RESIDENTIAL, ENERGY, GREEN BUILDING, AND FIRE CODES AND STANDARDS; AS WELL AS THE ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND AMENDING, ADDING OR REPEALING PROVISIONS IN TITLE 16R AND TITLE 16 OF THE CHICO MUNICIPAL CODE FOR THE ADMINISTRATION AND ENFORCEMENT BY THE CITY'S BUILDING DIVISION AND FIRE DEPARTMENT

WHEREAS, California Health and Safety Code section 17958 requires the local adoption of the latest California Code of Regulations, Title 24, known as the California Building Standards Code, which have been adopted at the state level, and are required to become effective six months after the state adoption;

WHEREAS, the State of California adopted these codes on July 1, 2016 and the codes will be enforced effective January 1, 2017;

WHEREAS, the California Building Standards Code have had a major transformation since the 2005 and 2006 model codes currently adopted in the Chico Municipal Code, and the new state codes utilize the most up to date code documents that have been developed through a national code development process, which include the 2016 Editions of the California Building, Electrical, Mechanical, Plumbing, Residential, Energy, Green Building and Fire Codes and Standards, as well as other related codes;

WHEREAS, enactment of this Ordinance to adopt and incorporate the 2016 Edition of the California Building Standards Code, as designated herein, into the Chico Municipal Code, will keep the City of Chico's building and fire standards, and related regulations, current and consistent with those of the State of California, and concurrently, provide minimum standards to safeguard life or limb, health, property and public welfare within the City of Chico.

BE IT ORDAINED by the Council of the City of Chico as follows:

SECTION 1. Chapter 16R.02 ("Building Standards") of Title 16R ("Building Standards") of the Chico Municipal Code is hereby amended to read as follows:

Chapter 16R.02
Building Standards

Section:

16R.02.010 Adoption of standards.

1 **16R.02.020 CBC Section 202 “Definitions” amended – Substantial remodel.**

2
3 **16R.02.010 Adoption of standards.**

4 A. Basic Building Standards. The following regulations, hereby adopted by reference and incorporated
5 herein, shall constitute the basic building standards of the city and shall apply to and govern the
6 construction, alteration, moving, demolition, repair, use, and occupancy of any building or structure in the
7 city in accordance with the provisions of Section 16.06.020 of this code.

8 1. All regulations adopted in the 2016 California Building Code, as promulgated in Part 2, Volumes 1
9 and 2, Appendix J (Grading), Title 24 of the California Code of Regulations (“CBC”), including all
10 regulations adopted in the CBC amending or repealing a volume, chapter, section or appendix of the
11 International Building Code (“IBC”), which regulations shall take precedence over the amended or repealed
12 volume, chapter, section or appendix of the IBC; and

13 2. All regulations adopted in this chapter, including any regulations adopted in this chapter which
14 amend or repeal a volume, chapter, section or appendix of either the IBC or CBC, which regulations shall
15 take precedence over the amended or repealed volume, chapter, section or appendix of the IBC or CBC.

16 B. Existing Building Code. The following regulations, hereby adopted by reference and incorporated
17 herein, shall constitute the minimum standards to promote public safety and welfare, including those
18 regulations adopted to reduce the risk of death or injury that may result from the effects of earthquakes on
19 existing unreinforced masonry bearing walls.

20 1. All regulations set forth in the following volumes, chapters, sections, parts or appendices of the
21 2016 CBC Part 10 of Title 24 based on the 2015 International Existing Building Code:

22 a. Appendix A Chapters A1, A3, and A4; and

23 b. Appendix A Chapter A6 Referenced Standards.

24 C. Historic Building Code. The following regulations, hereby adopted by reference and incorporated
25 herein, shall constitute the standards for the preservation, restoration, rehabilitation, relocation or
26 reconstruction of buildings or properties designated as qualified historical buildings or properties.

27 1. All regulations set forth in the following volumes, chapters, sections, parts or appendices of the
28 2016 CBC Part 8 of Title 24:

- a. Chapter 8-1, excluding Section 8-104, entitled “Review and Appeals”;
- b. Chapter 8-2 through 8-10; and
- c. Appendix A.

16R.02.020 CBC Section 202 “Definitions” amended – Substantial remodel.

CBC Section 202 entitled “Definitions” is amended to add “Substantial Remodel”: Substantial remodel shall mean the alteration of any structure, which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls, or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings, replacement of windows or doors, or exterior wall finishes.

SECTION 2. Chapter 16R.04 (“Electrical Standards”) of Title 16R (“Building Standards”), of the Chico Municipal Code is hereby amended to read as follows:

**Chapter 16R.04
ELECTRICAL STANDARDS**

Section:

16R.04.010 Adoption of standards.

16R.04.020 Service equipment - disconnecting means location - CEC Article 230.70(A)(1) amended.

16R.04.010 Adoption of standards.

The following regulations, hereby adopted by reference and incorporated herein, shall constitute the electrical standards of the city and shall apply to and govern the construction, alteration, moving, demolition, repair, and use of all electrical equipment within or on any building, structure, or premises in the city in accordance with the provisions of Section 16.06.030 of this code:

1 A. All regulations adopted in the 2016 California Electrical Code, as promulgated in Part 3, Title 24 of
2 the California Code of Regulations (“CEC”), including all regulations adopted in the CEC amending or
3 repealing a section, chapter or article of the National Electrical Code (“NEC”), which regulations shall take
4 precedence over the amended or repealed section, chapter or article of the NEC; and

5 B. All regulations adopted in this chapter, including any regulations adopted in this chapter amending or
6 repealing a chapter, article or section of either the NEC or CEC, which regulations shall take precedence
7 over the amended or repealed chapter, article or section of the NEC or CEC.
8

9 **16R.04.020 Service equipment - disconnecting means location - CEC Article 230.70(A)(1) amended.**

10 CEC Article 230.70(A)(1) shall be amended to add:

11 (1) Readily accessible location. The service disconnecting means shall be installed at a readily
12 accessible location outside of any building or structure.
13

14 **SECTION 3.** Chapter 16R.06 (“Mechanical Standards”) of Title 16R (“Building Standards”), of
15 the Chico Municipal Code is hereby amended to read as follows:
16

17 **Chapter 16R.06**
18 **MECHANICAL STANDARDS**

19 **Section:**

20 **16R.06.010 Adoption of standards.**

21 **16R.06.020 Protection against damage - CMC Section 308.1 amended.**

22 **16R.06.010 Adoption of standards.**

23 The following regulations, hereby adopted by reference and incorporated herein, shall constitute the
24 mechanical standards of the city and shall apply to and govern the construction, installation, alteration,
25 repair, relocation, replacement, addition to, use and maintenance of any mechanical equipment within or on
26 any building, structure, or premises in the city in accordance with the provisions of Section 16.06.030 of
27 this code:
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1 A. All regulations adopted in the 2016 California Mechanical Code, as promulgated in Part 4, Title 24
2 of the California Code of Regulations (“CMC”) including all regulations adopted in the CMC amending or
3 repealing a chapter, or appendix of the Uniform Municipal Code (“UMC”), which regulations shall take
4 precedence over the amended or repealed chapter or appendix of the UMC; and

5 B. All regulations adopted in this chapter, including any regulations adopted in this chapter amending or
6 repealing a chapter, section, part, or appendix of either the UMC or the CMC, which regulations shall take
7 precedence over the amended or repealed chapter, section, part, or appendix of the UMC or CMC.
8

9 **16R.06.020 Protection against damage - CMC Section 308.1 amended.**

10 CMC Section 308.1 shall be amended to add the following sentence after the first sentence of such
11 section:

12 Protective barriers shall be three (3) inch diameter (schedule 40) steel pipe bollard(s) filled with
13 concrete, thirty (30) inches above finished floor and embedded a minimum of 18 (eighteen) inches below
14 grade. These protective barriers shall be a maximum of four (4) feet on center or the appliance must be
15 elevated six (6) feet or located out of the normal path of a vehicle.
16

17 **SECTION 4.** Chapter 16R.08 (“Plumbing Standards”) of Title 16R (“Building Standards”), of
18 the Chico Municipal Code is hereby amended to read as follows:
19

20 **Chapter 16R.08**
PLUMBING STANDARDS

21 **Section:**

22 **16R.08.010 Adoption of standards.**

23 **16R.08.020 Private sewage disposal systems.**

24 **16R.08.030 Private sewage disposal systems - Single family residential lots greater than one acre.**
25

26 **16R.08.010 Adoption of standards.**

27 The following regulations, hereby adopted by reference and incorporated herein, shall constitute the
28 plumbing standards of the city and shall apply to and govern the construction, alteration, moving,

1 demolition, repair, and use of all plumbing equipment within or on any building, structure, or premises in
2 the city in accordance with the provisions of Section 16.06.030 of this code:

3 A. All regulations adopted in the 2016 California Plumbing Code, as promulgated in Part 5, Title 24 of
4 the California Code of Regulations (“CPC”) including the regulations adopted in the CPC amending or
5 repealing a section, chapter, or appendix of the Uniform Plumbing Code (“UPC”), which regulations shall
6 take precedence over the amended or repealed chapter or appendix of the UPC; and

7 B. All regulations adopted in this chapter, including any regulations adopted in this chapter amending or
8 repealing any section, chapter or appendix of either the UPC or the CPC, which regulations shall take
9 precedence over the amended or repealed section, chapter, or appendix of the UPC or CPC.

10
11 **16R.08.020 Private sewage disposal systems.**

12 A. Notwithstanding any provision of the UPC to the contrary, no building or exterior drainage facility on
13 a lot or premises with a net size, exclusive of any access easements, of less than one acre and developed
14 with or proposed for development with a single residence shall be connected to a private sewage disposal
15 system unless:

16 1. The building or exterior drainage facility is located more than 250 feet from a public sewer main;

17 2. The building or exterior drainage facility will be served by a private sewage disposal system that
18 complies with the “Standards for the installation of septic tanks” set forth in the “Nitrate Action Plan,
19 Greater Chico Urban Area” as adopted by Resolution No. 141 84-85 of the city council and as approved by
20 the Regional Water Quality Control Board, Central Valley Region, by Resolution No. 85-095 adopted April
21 26, 1985, including any amendments hereafter made thereto;

22 3. A sewer lateral is installed on the lot or premises in a manner that will permit prompt connection of
23 the building or exterior drainage facility on such lot or premises to the public sewer system upon the
24 extension of a public sewer main into a thoroughfare or right-of-way abutting such lot or premises;

25 4. The owner of the lot or premises on which the private sewage disposal system is to be installed has
26 obtained a private sewage disposal permit from the Butte County health officer and paid a private sewage
27 disposal permit fee in an amount established by resolution of the city council;

28

1 5. The owner of a lot or premises on which the private sewage disposal system is to be installed has
2 paid the water pollution control plant capacity fee and trunkline capacity fee required to be paid by the
3 owner of premises connecting to the sewer system under Chapter 15.36 of this code; and

4 6. The owner of a lot or premises on which the private sewage disposal system is to be installed has
5 paid the sewer main installation fee required to be paid by the owner of premises connecting to the public
6 sewer under Chapter 15.36 of this code, which fee shall be paid whether or not a sewer main exists in a
7 right-of-way or thoroughfare abutting such lot or premises.

8 B. The owner of a lot or premises on which a private sewage disposal system has been installed as
9 hereinbefore provided by this section shall be entitled to utilize said system until a public sewer is available
10 in a right-of-way or thoroughfare abutting such lot or premises and the council has determined by a
11 majority vote that the public health and necessity requires connection to the sewer line and has established
12 an assessment district service area or other financing method for connecting the building or drainage piping
13 on such lot or premises to the sewer line. Provided, however, that upon connecting the building or drainage
14 piping on such lot or premises to the public sewer, the owner of the lot or premises shall not be required to
15 pay any further water pollution control plant capacity fees, trunkline capacity fees, or sewer main
16 installation fees, if said fees have been paid previously.

17 C. Prior to connection to a private sewage disposal system, the owner of the lot or premises on which a
18 private sewage disposal system is to be installed shall execute and record a covenant, binding on the owner,
19 heirs and successors in interest, setting forth the requirement for connection to the sanitary sewer system
20 established in subsection 16R.08.020.B.

21
22 **16R.08.030 Private sewage disposal systems - Single family residential lots greater than one acre.**

23 A. Notwithstanding any provision of the UPC to the contrary, no building or exterior drainage facility on
24 a lot or premises with a net size, exclusive of any access easements, of one acre or more and developed with
25 or proposed for development with a single residence shall be connected to a private sewage disposal system
26 unless:

- 27 1. The building or exterior drainage facility is located more than 250 feet from a public sewer main;
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Chapter 16R.14
ENERGY STANDARDS

Section:

16R.14.010 Adoption of standards.

16R.14.010 Adoption of standard.

All regulations adopted in the 2016 California Energy Code, as promulgated in Part 6, Title 24 of the California Code of Regulations, hereby adopted by reference and incorporated herein, shall constitute the energy standards of the city and shall apply to and govern the construction, alteration, moving, demolition, repair, and use of all applicable electrical, plumbing, and mechanical systems within or on any building, structure, or premises in the city in accordance with the provisions of Section 16.06.030 of this code.

SECTION 8. Title 16R (“Building Standards”) of the Chico Municipal Code is hereby amended to add Chapter 16R.16 (“Green Building Standards”) to read as follows:

Chapter 16R.16
GREEN BUILDING STANDARDS

Section:

16R.16.010 Adoption of standards.

16R.16.010 Adoption of standards.

All regulations adopted in the 2016 California Green Building Code, as promulgated in Part 11, Title 24 of the California Code of Regulations, hereby adopted by reference and incorporated herein, shall constitute the green building standards of the city and shall apply to and govern the construction, alteration, moving, demolition, repair, and use of all structures within or on any building, structure, or premises in the city in accordance with the provisions of Sections 16.06.020 and 16.06.030 of this code.

SECTION 9. Title 16R (“Building Standards”) of the Chico Municipal Code is hereby amended to add Chapter 16R.18 (“Property Maintenance Standards”) to read as follows:

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**Chapter 16R.18
PROPERTY MAINTENANCE STANDARDS**

Section:

16R.18.010 Adoption of standards.

16R.18.020 IPMC Section 102.3 – application of codes amended.

16R.18.010 Adoption of standards.

All regulations adopted in the 2015 International Property Maintenance Code (IPMC), as promulgated and published by the International Code Council, hereby adopted by reference and incorporated herein, shall regulate the minimum property maintenance requirements for existing buildings and premises in the city in accordance with the provisions of Chapters 16.16 and 16.62 of this code.

16R.18.020 IPMC Section 102.3 – application of codes amended.

Section 102.3. Application of Codes, is amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the most currently adopted editions of the CBC, CPC, CMC, CEC, CFC, California Energy Code, California Green Building Code, and all referenced standards therein, as well as the provisions of the Chico Municipal Code as they apply. If any conflicts arise between the aforementioned codes, the most restrictive provision shall apply.

SECTION 10. Chapter 16R.42 (“Fire Regulation Standards”) of Title 16R (“Building Standards”), of the Chico Municipal Code is hereby amended to read as follows:

**Chapter 16R.42
FIRE REGULATION STANDARDS**

Section:

16R.42.010 Adoption of fire regulation standards.

1 **16R.42.020 Permits.**

2 **16R.42.030 Restrictions on the storage of explosive materials - CFC Section 5601.1 amended.**

3 **16R.42.040 Restrictions on the location of aboveground tanks outside of buildings - CFC Section**
4 **5704.2.9.6 amended.**

5 **16R.42.050 Restrictions on the container location for storage of liquefied petroleum gases - CFC**
6 **Section 6104.3 amended.**

7 **16R.42.060 Prohibitions on fires and flames - General provisions.**

8 **16R.42.070 Prohibition on fires and flames - Fire and flames exempt from prohibitions.**

9 **16R.42.080 Prohibitions on fires and flames - Fire and flames exempt from prohibitions when in**
10 **compliance with air emission standards.**

11 **16R.42.090 Prohibitions on fires and flames - Fire and flames exempt from prohibitions when**
12 **authorized by a permit.**

13 **16R.42.100 Restrictions on fireworks - CFC Section 5601 amended.**

14 **16R.42.110 Prohibition of combustible furniture visible from the public right-of-way.**

15
16 **16R.42.010 Adoption of fire regulation standards.**

17 The following rules, regulations, and standards, hereby adopted by reference and incorporated herein,
18 shall constitute the "Fire Regulation Standards" of the city and shall govern the transportation, storage, or
19 use of any substance or material, the installation, possession, or operation of any equipment or device, the
20 improvement, alteration, occupation or maintenance of any premises, or the creation of any condition or
21 commission of any act which is subject to such standards. Said standards shall include the regulation of
22 non-building standards activities in all structures, facilities, premises, and occupancies, including those
23 not regulated by the State Fire Marshall, within the city's jurisdiction, when deemed applicable by the Fire
24 Chief, or his or her designee, for the prevention of fire and/or for the protection of life and property against
25 fire:

26 A. Except as hereinafter amended, modified, or deleted, all regulations adopted in the 2016 California
27 Fire Code, as promulgated in Part 9, Title 24 of the California Code of Regulations as published by the
28 Building Standards Commission ("CFC"), including all regulations adopted in the CFC amending or

1 repealing a section, chapter, or part of the 2015 International Fire Code as published by the International
2 Code Council (“IFC”), which regulations shall take precedence over the amended or repealed section,
3 chapter, or part of the IFC;

4 B. Except as hereinafter amended, modified, or deleted, Chapters 1 – 80 of the CFC for sections that
5 were not adopted as part of the 2016 California Fire Code, as promulgated in Part 9, Title 24 of the
6 California Code of Regulations as published by the Building Standards Commission, are hereby adopted by
7 reference and incorporated into the city’s Fire Regulation Standards as if set forth fully herein for the sole
8 purpose of the enforcement of non-building standards activities in all occupancies within the city’s
9 jurisdiction;

10 C. The following CFC and IFC provisions shall hereby be amended, modified or deleted as follows,
11 and said modifications are hereby adopted and incorporated into the city’s Fire Regulations Standards:

12
13 1. CFC Section 102.6 Historic buildings is hereby not adopted.

14
15 2. CFC Section 105.6.28 LP-gas is hereby amended to read as follows:

16
17 105.6.28 LP-gas. An operational permit is required for:

18 1. Storage and use of LP-gas.

19 **Exception:** A permit is not required for individual containers with less than a 125-gallon water
20 capacity or less or multiple container systems having an aggregate quantity not exceeding 125
21 gallons, serving occupancies in Group R-3.

22 2. Operation of cargo tankers that transport LP-gas.

23
24 3. CFC Section 108 Board of appeals is hereby amended to read as follows:

25
26 Appeals of the decisions or determinations relative to the application of the Fire Regulation
27 Standards shall be resolved pursuant to Chapter 16.42 of Title 16 of the Chico Municipal Code.

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4. CFC Section 109.3.3 Prosecution of violations is hereby not adopted, as enforcement and prosecution of violations shall be in accordance with Chapter 16.52 of Title 16 the Chico Municipal Code.

5. CFC Section 109.4 Violation penalties is hereby not adopted, as violation and penalty provisions shall be in accordance with Chapter 16.52 of Title 16 the Chico Municipal Code.

6. CFC Section 111.4 Failure to comply is hereby amended to read as follows:
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 liable and subject to all penalties in accordance with Chapter 16.52 of Title 16 the Chico Municipal Code.

7. CFC Appendices are hereby adopted by reference and incorporated into the city's Fire Regulation Standards as if set forth fully herein as follows:

- a. Appendix B Fire-Flow requirements for buildings.
- b. Appendix C Fire hydrant locations and distribution.
- c. Appendix F Hazard ranking.

D. All regulations adopted in this chapter, including any regulations adopted in this chapter amending or repealing a section, article, division, or part of the IFC or CFC, which regulations shall take precedence over the amended or repealed section, article, division or part of the IFC or CFC.

16R.42.020 Permits.

A permit shall be required for those activities and operations as set forth in CFC Section 105.

1 **16R.42.030 Restrictions on the storage of explosives materials - CFC Section 5601.1 amended.**

2 For purposes of CFC Chapter 56, entitled "Explosives and Fire Works," Section 5601.1 pertaining to
3 restrictions on storage of explosives, the storage of explosives shall be prohibited in all zoning districts of
4 the city except for:

- 5 A. C-2 General Commercial zoning districts;
- 6 B. ML Light Manufacturing/Industrial zoning districts; and
- 7 C. MG General Manufacturing/Industrial zoning districts.

8
9 **16R.42.040 Restrictions on the location of aboveground tanks outside of buildings - CFC Section**
10 **5704.2.9.6 amended.**

11 For purpose of CFC Section 5704.2.9.6 pertaining to restrictions on location of aboveground tanks outside
12 of buildings, the storage of Class I and Class II liquids in aboveground tanks outside of a building shall be
13 prohibited in all zoning districts of the City except for:

- 14 A. C-2 General Commercial zoning districts;
- 15 B. CC Community Commercial zoning districts;
- 16 C. CS Service Commercial zoning districts;
- 17 D. C-1 Restricted Commercial zoning districts;
- 18 E. ML Light Manufacturing/Industrial zoning districts;
- 19 F. MG General Manufacturing/Industrial zoning districts; and
- 20 G. MP Manufacturing/Industrial Park zoning districts.

21
22 **16R.42.050 Restrictions on the container location for storage of liquefied petroleum gases - CFC**
23 **Section 6104.3 amended.**

24 For purposes of CFC Section 6104.3 pertaining to restrictions on the container location for storage of
25 liquefied petroleum gases, the storage of liquefied petroleum gases at a single location in excess of 2,000
26 gallons water capacity shall be prohibited in all zoning districts of the city except for:

- 27 A. C-2 General Commercial zoning districts;
- 28 B. CC Community Commercial zoning districts;

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- C. CS Service Commercial zoning districts;
- D. C-1 Restricted Commercial zoning districts;
- E. ML Light Manufacturing/Industrial zoning districts;
- F. MG General Manufacturing/Industrial zoning districts; and
- G. MP Manufacturing/Industrial Park zoning districts.

16R.42.060 Prohibitions on fires and flames - General provisions.

Notwithstanding any provisions of the CFC to the contrary, no person shall ignite a fire within the city, either within or outside a building, whether by open fire or within a fireplace, incinerator, or other burning device, or in any other manner except as hereinafter authorized by Section 16R.42.070 through and including Section 16R.42.090 of this chapter.

16R.42.070 Prohibition on fires and flames - Fires and flames exempt from prohibitions.

The following fires or the following devices and equipment which utilize a fire or flame shall be permitted within the city provided such fires or flames are ignited or maintained or such device and equipment is installed, possessed or used in accordance with any applicable requirements of the CFC:

- A. Matches and lighters;
- B. Fireplaces, indoor and outdoor;
- C. Cooking devices, including barbecues, indoor and outdoor;
- D. Furnaces and other heating devices which utilize natural gas, liquid petroleum or wood, and are used for residential purposes;
- E. Sewer gas at the site of the city's sewer plant;
- F. Tar pots and similar devices used for roofing and other construction and repair uses wherein the tar is customarily used as a sealant, provided, however, that such devices and equipment shall be used only at the site of the construction or repair work and at a permanent location; and
- G. Candles, torches and similar devices used on or within residential premises for decorative purposes only.

1 **16R.42.080 Prohibitions on fires and flames - Fire and flames exempt from prohibitions when in**
2 **compliance with air emission standards.**

3 A. The following fires and flames or devices and equipment utilizing a fire or flame shall be permitted
4 within the city when the fire or flame is ignited and maintained or where the device or equipment is
5 installed, possessed, or used in accordance with all applicable requirements of the CFC and the air emission
6 standards hereinafter set forth in subsection B of this section:

7 1. Incinerating devices used at crematoriums or other similar places for the disposal of human or
8 animal body tissue;

9 2. Incinerating devices used exclusively for the disposal of bandages, dressings, and similar materials
10 when operated in conjunction with medical treatment by doctors, hospital personnel, convalescent home
11 personnel, rest home personnel, and similar persons wherein the disposal by incineration is in the interests
12 of public health;

13 3. Furnaces and other heating devices using a fuel other than natural gas or liquid petroleum; and

14 4. Forges and other heating devices required by commercial or other manufacturing uses and not used
15 for the disposal or reduction of garbage, rubbish or other waste materials.

16 B. All fires and flames or devices and equipment utilizing a fire or flame authorized by this section shall
17 not cause an emission which exceeds the following standards:

18 1. Any air contaminate for a period or periods aggregating more than three minutes in any one hour
19 which is:

20 a. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by
21 the United States Bureau of Mines; or

22 b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke
23 which would be in violation of subdivision 1 of this subsection;

24 2. Particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions; and

25 3. Sulfur compounds in any state or combination thereof, exceeding concentrations of two percent by
26 volume when measured as sulfur dioxide (SO₂) at the point of discharge.

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1 **16R.42.090 Prohibitions on fires and flames - Fires and flames exempt from prohibitions when**
2 **authorized by a permit.**

3 The following fires and flames or devices and equipment utilizing a fire or flame shall be permitted in the
4 city when such fire or flame is ignited and maintained or such device or equipment is installed, possessed or
5 used in accordance with the requirements of the CFC and when authorized by a permit issued by the fire
6 marshal set forth in CFC Section 105:

- 7 A. Fire used for the prevention of a fire hazard which cannot be abated by other means;
- 8 B. Fire used for the instruction of employees in the methods of fire fighting;
- 9 C. Fire used for the improvement of watershed, range, pasture, levees, reservoirs, or ditches used in
10 agriculture, ranching, flood control, or drainage activities;
- 11 D. Fires used for the growing of crops or raising of animals;
- 12 E. Fires used by organizations for ceremonial purposes;
- 13 F. Fires used for the removal of explosives, hazardous materials, or other substances or matter which
14 cannot be safely removed, disposed of, or neutralized by other means;
- 15 G. Fires used for the abatement of serious insect infestations;
- 16 H. Fires used for the purpose of removing noxious vegetation or weeds from city-owned property which
17 is surrounded by land used for agricultural purposes;
- 18 I. Candles, torches and similar devices used on or within nonresidential premises; or
- 19 J. Fires and flames used for other purposes which the fire chief, with the approval of the city manager,
20 determines are necessary and in the interest of preserving the public health, safety and life.

21
22 **16R.42.100 Restrictions on Fireworks - CCR Title 19, Chapter 6, entitled "Fireworks," and CFC**
23 **Section 5601 amended.**

24 California Code of Regulations (CCR) Title 19, Chapter 6, entitled "Fireworks," and CFC Section 5601
25 shall be amended to prohibit the manufacturing, possession, storage, sale, use and handling of any
26 fireworks, including those fireworks designated as "Safe and Sane" by the State of California, within the
27 city limits. Use and handling of fireworks for public display may be permitted pursuant to section 16.48.020
28 of this code and such use and handling shall be in accordance with CCR and CFC fireworks regulations.

1
2 **16R.42.110 Prohibition of combustible furniture visible from the public right-of-way.**

3 Storage, stockpiling, or maintaining of any combustible furniture on private property must be screened
4 from any public right-of-way. Combustible furniture includes, but is not limited to stuffed couches and
5 chairs, mattresses, futons, and any furniture not specifically designed and intended for outdoor use. Objects
6 and activities will be considered “screened” when they are either (1) not visible from a public right-of-way,
7 or (2) behind a solid six-foot-high fence, wall, or hedge where such fence, wall, or hedge is otherwise
8 permitted by zoning and building codes.
9

10 **SECTION 11.** Chapter 16.42 (“Fire Regulations – General Provisions”) of Title 16 (“Building
11 and Construction”), of the Chico Municipal Code is hereby amended to read as follows:
12
13

14 **Chapter 16.42**
15 **FIRE REGULATIONS - GENERAL PROVISIONS**

16 **Section:**

17 **16.42.010 Purpose.**

18 **16.42.020 Administration of fire regulations.**

19 **16.42.030 Maintenance of copies of current fire regulation standards.**

20 **16.42.040 Manner of serving notices.**

21 **16.42.050 Administrative review of determination or action of the fire marshal by the fire chief.**

22 **16.42.060 Appeal from decision of the fire chief.**

23 **16.42.070 Administrative review and appeals - Aggrieved person.**

24 **16.42.080 Fire regulations preempted by state or federal law.**

25 **16.42.010 Purpose.**

26 The purpose of the fire regulations adopted by this title is to safeguard life and property from the hazards
27 of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and
28

1 devices, and from conditions hazardous to life or property in the use or occupancy of buildings or
2 structures.

3
4 **16.42.020 Administration of fire regulations.**

5 The fire marshal shall be primarily responsible for administration of the fire regulations adopted by this
6 title, subject to the overall direction and control of the fire chief. In carrying out such responsibility, the
7 duties of the fire marshal shall include but not be limited to the application of the fire regulation standards
8 adopted by Chapter 16.46 of this title, issuance of the permits required by Chapter 16.48 of this title,
9 conduction of the inspections and tests required by Chapter 16.50 of this title, undertaking the enforcement
10 actions provided for in Chapter 16.52 of this title, as well as the administration and enforcement of Chapter
11 16R.42 of Title 16R.

12
13 **16.42.030 Maintenance of copies of current fire regulation standards.**

14 At least one copy of all Uniform Fire Codes or other fire regulation standards adopted by Chapter 16.46
15 of this title, as well as all state fire regulations published in Titles 19 and 24 of the California Code of
16 Regulations, including the 2016 California Fire Code, as promulgated in Part 9, Title 24 of the California
17 Code of Regulations (“CFC”) and all regulations adopted in the CFC amending or repealing a section,
18 chapter, or part of the International Fire Code, as adopted by Chapter 16R.42 of Title 16R of this code, shall
19 be available for review by the general public in the fire marshal’s office.

20
21 **16.42.040 Manner of serving notices.**

22 Any notice required to be served on a person pursuant to the provisions of the fire regulations adopted by
23 this title shall be deemed served when made in writing and either personally delivered to such person or
24 deposited in the U.S. mail, registered and postage prepaid, addressed to such person’s last known
25 address. Provided that when a notice is required to be served on the owner of any premises, such notice
26 may be served by depositing a copy of same in the U.S. mail, registered and postage prepaid, addressed to
27 owner of the premises at the address as it appears on the last equalized assessment roll of the county.
28

1 Service of a notice by mail in a manner provided by this section shall be effective on the date of mailing
2 and the failure of any person to receive such notice shall not affect the validity of the notice.
3

4 **16.42.050 Administrative review of determination or action of the fire marshal.**

5 A. Right to Administrative Review. Any person aggrieved by a determination made or action taken by
6 the fire marshal under the fire regulations adopted by this title may apply to the fire chief for administrative
7 review of such determination or action.

8 B. Applications for Administrative Review. Applications for the administrative review of a
9 determination made or action taken by the fire marshal shall be in writing and shall be filed in the office of
10 the fire chief no later than fifteen days following the date such determination or action was made or taken,
11 or where a written notice of such determination or action is required to be served, no later than fifteen days
12 following the date such notice is served; provided, however that the fire chief may extend the time for filing
13 an application for the administrative review of a determination made or action taken by the fire marshal for
14 good cause shown. In addition to setting forth a request for administrative review of a determination made
15 or action taken by the fire marshal, such application shall contain a brief statement of the reasons why the
16 applicant believes such determination or action does not comply with the fire regulations adopted by this
17 title and the relief requested by the applicant from such determination or action.

18 C. Decision on Application for Administrative Review. Upon the filing of an application for
19 administrative review of a determination made or action taken by the fire marshal, the fire chief shall
20 consider the application and render a decision either affirming the determination or action of the fire
21 marshal or reversing or modifying such determination or action. Prior to rendering a decision, the fire chief
22 may, with sole discretion, convene an informal hearing for the purpose of reviewing evidence or hearing
23 arguments bearing on such decision. Notice of the date, time, and place of such hearing shall be served a
24 reasonable time prior to the hearing on the applicant and any other person who would be aggrieved by a
25 decision reversing or modifying the determination or action of the fire marshal and who has filed with the
26 fire chief a written request for notice of such decision. After rendering a decision, the fire chief shall
27 promptly inform the fire marshal of the decision and cause a notice of the decision to be served on the
28 applicant and any other person who would be aggrieved by a decision reversing or modifying the

1 determination or action of the fire marshal and who has filed with the fire chief a written request for notice
2 of such decision.

3 D. Stay of Determination Made or Action Taken by the Fire Marshal Pending Administrative Review.
4 Any determination made or action taken by the fire marshal, save and except for an order revoking a permit,
5 an order to stop work, or an order to vacate premises, which is made by the fire marshal pursuant to Chapter
6 16.52 of this title shall be stayed pending a decision of the fire chief on the application for administrative
7 review of such determination or action.

8
9 **16.42.060 Appeal from decision of the fire chief.**

10 A. Right to Appeal. Any person aggrieved by a decision of the fire chief following the filing of an
11 application for the administrative review of a determination made or action taken by the fire marshal, may
12 appeal such decision to the city council within the time and in the manner provided for by Title 2 of this
13 code.

14 B. Stay of Decision of Fire Chief Pending Appeal. Any decision of the fire chief on an application for
15 administrative review of a determination made or action taken by the fire marshal, save and except for a
16 decision affirming or modifying an order revoking a permit, an order to stop work or an order to vacate
17 premises which is made by the fire marshal pursuant to Chapter 16.52 of this title, shall be stayed pending a
18 decision of the city council on such appeal.

19
20 **16.42.070 Administrative review and appeals - Aggrieved person.**

21 A person shall be deemed "aggrieved" for purposes of the administrative review of a determination made
22 or action taken by the fire marshal or for purposes of the appeal of a decision of the fire chief following the
23 filing of such application for administrative review, if such determination, action, or decision has a
24 significantly greater affect on such person than on the public in general.

25
26 **16.42.080 Fire regulations preempted by state or federal law.**

27 The fire regulations adopted by this title shall not apply to nor govern any condition where the local
28 regulations of such condition are preempted by any federal or state law. Provided, however, that the

1 purpose of this section is merely to confirm existing law and is not intended to grant an exemption or
2 exclusion from compliance with the city's fire regulations in any instances where the city may exercise
3 jurisdiction under the laws of the federal and state government as well as the City Charter and this code.
4

5 **SECTION 12.** Chapter 16.44 (“Fire Regulations – Definitions”) of Title 16 (“Building and
6 Construction”), of the Chico Municipal Code is hereby amended to read as follows:
7

8
9 **Chapter 16.44**
10 **FIRE REGULATIONS - DEFINITIONS**

11 **Section:**

12 **16.44.010 General provisions.**

13 **16.44.020 Fire.**

14 **16.44.030 Premises.**

15 **16.44.010 General provisions.**

16 Unless the contrary is stated or clearly appears from the context, the definitions set forth in this chapter
17 and CFC Chapter 2, as adopted by Chapter 16R.42 of Title 16R of this code, shall govern the construction
18 of the words and phrases used in the fire regulations adopted by this title.
19

20 **16.44.020 Fire.**

21 The term “fire” means the phenomena of combustion when manifested by light and heat.
22

23 **16.44.030 Premises.**

24 The term “premises” means any building or structure or any parcel of real property.
25

26 **SECTION 13.** Chapter 16.46 (“Fire Regulations – Fire Regulation Standards”) of Title 16
27 (“Building and Construction”), of the Chico Municipal Code is hereby amended to read as follows:
28

Chapter 16.46
FIRE REGULATIONS - FIRE REGULATION STANDARDS

Section:

16.46.010 General provisions.

16.46.020 Adopted standards.

16.46.030 Application of standards to existing conditions.

16.46.040 Additional standards in applicable environmental impact reports.

16.46.050 Conflicting laws and regulations.

16.46.010 General provisions.

No person shall transport, store, or use any substance or material; install, possess, or operate any equipment or device; improve, alter, occupy or maintain any premises; or otherwise cause or permit any condition or commit any act which fails to comply with or violates the fire regulation standards adopted by this chapter.

16.46.020 Adopted standards.

The fire regulation standards now or hereafter adopted by Chapter 16R.42 of Title 16R of this code shall constitute the fire regulation standards of the city.

16.46.030 Application of standards to existing conditions.

Except when otherwise specifically provided for therein, the fire regulation standards adopted by this chapter shall not apply to any existing condition if:

A. Such existing condition was legally established prior to the enactment or amendment of such standards;

B. Such existing condition is carried on in accordance with the standards, if any, in effect at the time the existing condition was first established; and

C. Such existing condition has been determined by the fire marshal not to be hazardous to life or property.

1 **16.46.040 Additional standards in applicable environmental impact reports.**

2 Where any substance or material is transported, stored or used, any device or equipment is installed,
3 possessed, or operated, or any premises are improved, altered, occupied, or maintained as part of a project
4 which required the preparation of an environmental impact report, such activities shall comply with all
5 mitigation measures which are identified in the environmental impact report and required as a condition of
6 approval of the project in order to avoid or lessen any fire hazards caused by such project.
7

8 **16.46.050 Conflicting laws and regulations.**

9 Where there is a conflict between the fire regulation standards adopted by this chapter and the standards
10 in any applicable federal or state law, that standard which provides the most protection for life and property,
11 as determined by the fire marshal, shall govern.

12 Provided that where there is a conflict between the standards adopted by this chapter and the standards in
13 any applicable federal or state law or regulation, and such federal or state law or regulation expressly
14 preempts local standards which apply to or govern the same subject matter, the standards in the federal or
15 state law or regulation shall govern to the exclusion of the standards adopted by this chapter.
16

17 **SECTION 14.** Chapter 16.48 (“Fire Regulations – Permits”) of Title 16 (“Building and
18 Construction”), of the Chico Municipal Code is hereby amended to read as follows:
19

20 **Chapter 16.48**
FIRE REGULATIONS - PERMITS

21 **Section:**

22 **16.48.010 General provisions.**

23 **16.48.020 Required permits.**

24 **16.48.030 Permit fees.**

25
26 **16.48.010 General provisions.**

27 No person shall engage in any activity or operation within the city described in Section 16.48.020, or
28 cause or permit the same to be done, without a permit provided for herein.

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16.48.020 Required permits.

A permit shall be required for those activities and operations as set forth in CFC Section 105, as adopted by Chapter 16R.42 of Title 16R of this code.

16.48.030 Permit fees.

A permit fee shall be assessed and levied by the fire marshal upon each applicant for a permit required by this chapter. Such permit fees shall be in an amount set forth in a fee schedule established by resolution of the city council, shall be due and payable at the time of filing the permit application, and shall not be refundable.

SECTION 15. Chapter 16.50 (“Fire Regulations – Inspections”) of Title 16 (“Building and Construction”), of the Chico Municipal Code is hereby amended to read as follows:

**Chapter 16.50
FIRE REGULATIONS - INSPECTIONS**

Section:

- 16.50.010 General provisions.**
- 16.50.020 Inspections required prior to the issuance of a permit.**
- 16.50.030 Inspections required as a condition of a permit.**
- 16.50.040 Other inspections.**
- 16.50.050 Access to place or thing to be inspected.**
- 16.50.060 Special inspections and tests.**

16.50.010 General provisions.

All substances, materials, devices, equipment, premises or conditions governed by the fire regulations adopted by this title and as adopted by Chapter 16R.42 of Title 16R of this code shall be subject to the inspection and/or tests hereinafter provided for by this chapter.

1 **16.50.020 Inspections required prior to the issuance of a permit.**

2 Where an application is filed for a permit required by Chapter 16.48 of this title pursuant to CFC Section
3 105, as adopted by Chapter 16R.42 of Title 16R of this code, the fire marshal, prior to issuing such permit,
4 shall inspect and/or test any substance, material, device, equipment, or premises to be used or otherwise
5 involved in an activity or operation authorized by such permit whenever the fire marshal determines that an
6 inspection is necessary in order to ascertain whether such activity or operation can be conducted in a
7 manner which complies with the fire regulation standards adopted by Chapter 16.46 of this title and Chapter
8 16R.42 of Title 16R of this code and in a manner which will not cause a fire or contribute to its spread.

9
10 **16.50.030 Inspections required as a condition of a permit.**

11 When a permit is issued pursuant to the provisions of Chapter 16.48 of this title pursuant to CFC Section
12 105, as adopted by Chapter 16R.42 of Title 16R of this code, which authorizes an activity or operation on
13 the condition that a particular substance, material, device, piece of equipment, or premises used or
14 otherwise involved in such activity or operation be inspected by the fire marshal on a specific date or at a
15 particular stage of the activity or operation, the fire marshal shall conduct such inspection on such date or at
16 such stage and shall either approve such substance, material, device, piece of equipment, or premises as
17 complying with the fire regulation standards adopted by Chapter 16.46 of this title and as adopted by
18 Chapter 16R.42 of Title 16R of this code, or shall notify the permit holder or an authorized agent as to the
19 reason why such substance, material, device, piece of equipment, or premises fails to comply with same.
20 Provided that when a permit requires the inspection of a particular substance, material, device, piece of
21 equipment, or premises at a particular stage of the activity or operation authorized by such permit, it shall
22 be the responsibility of the permit holder or an authorized agent to request the fire marshal, either orally or
23 in writing, to make such inspection no less than 24 hours prior to the time the inspection is desired, unless
24 the fire marshal waives the time in which the request is to be made for good cause shown. Moreover, when
25 a permit requires a particular substance, material, device, piece of equipment, or premises to be inspected
26 either on a specific date or at a particular stage of the activity or operation authorized by the permit, such
27 activity or operation shall be suspended and not resumed until the inspection has been made and the
28 substance, material, device, piece of equipment or premises approved as complying with the fire regulation

1 standards adopted by Chapter 16.46 of this title, including those adopted by Chapter 16R.42 of Title 16R of
2 this code.

3
4 **16.50.040 Other inspections.**

5 When the fire marshal has reasonable cause to believe that any substance, material, device, piece of
6 equipment, or premises are being used or maintained in a manner which violates the fire regulations
7 adopted by this title, including but not limited to the fire regulation standards adopted by Chapter 16.46 of
8 this title, including those adopted by Chapter 16R.42 of Title 16R of this code, or that such substance,
9 material, device, piece of equipment, or premises are being maintained or used in a manner which could
10 cause a fire or contribute to its spread, the fire marshal is authorized to make any inspection of such
11 substance, material, device, piece of equipment, or premises necessary to ascertain whether such violation
12 has occurred or such fire hazard exists.

13
14 **16.50.050 Access to place or thing to be inspected.**

15 When an inspection is required prior to or as a condition of the issuance of a permit required by Chapter
16 16.48 of this title pursuant to CFC Section 105, as adopted by Chapter 16R.42 of Title 16R of this code, it
17 shall be the responsibility of the permit holder and any authorized agent of the permit holder to provide the
18 fire marshal with safe and convenient access to the place or thing to be inspected as well as all facilities and
19 assistance necessary for the fire marshal to make such inspection. Moreover, when such an inspection will
20 entail the removal or replacement of any substance, material, device, piece of equipment, or any portion of
21 a building or structure located on the premises to be inspected, such removal or replacement shall be carried
22 out by the permit holder or an authorized agent and all costs of such removal or replacement shall be borne
23 by the permit holder.

24
25 **16.50.060 Special inspections and tests.**

26 When required by the fire regulation standards adopted by Chapter 16.46 of this title, including those
27 adopted by Chapter 16R.42 of Title 16R of this code, or whenever determined necessary to verify
28 compliance with such standards, the fire marshal may require a permit applicant, any person requesting

1 approval of a variance or alternative material, operation, or method of work, or any person in control of a
2 condition suspected by the fire marshal to constitute a fire hazard, to perform special inspections and/or
3 tests which are conducted by an agency, association, or individual having particular qualifications or
4 technical expertise to carry out such inspections or make such tests. Such special inspections and/or tests
5 shall be made at the sole cost and expense of the permit applicant or other person required to make the
6 inspections or tests, shall be undertaken by an agency, association, or individual whose qualifications and
7 technical expertise have been approved by the fire marshal, and shall be conducted in accordance with the
8 inspection or test protocols established by the fire regulation standards adopted by Chapter 16.46 of this
9 title, including those adopted by Chapter 16R.42 of Title 16R of this code, or by other recognized
10 inspection or test methods.

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SECTION 16. Chapter 16.52 (“Fire Regulations – Enforcement”) of Title 16 (“Building and Construction”), of the Chico Municipal Code is hereby amended to read as follows:

**Chapter 16.52
FIRE REGULATIONS - ENFORCEMENT**

Section:

- 16.52.010 General provisions.**
- 16.52.020 Request to correct violation.**
- 16.52.030 Order revoking permit.**
- 16.52.040 Order to stop work.**
- 16.52.050 Order to vacate a building, structure or other premises.**
- 16.52.060 Order to abate hazardous condition.**
- 16.52.070 Right of entry.**
- 16.52.080 Violation declared to be a public nuisance.**
- 16.52.090 Penalties.**

1 **16.52.010 General provisions.**

2 The fire regulations adopted by this title, including those adopted by Chapter 16R.42 of Title 16R of this
3 code, may, upon any violation thereof, be enforced by the enforcement actions and penalties provided for in
4 this chapter. Except as otherwise specifically set forth in this chapter, all enforcement actions and penalties
5 provided for herein shall be deemed cumulative, and the commencement and/or imposition of any one such
6 enforcement action or penalty as a result of a violation of the fire regulations adopted by this title, including
7 those adopted by Chapter 16R.42 of Title 16R of this code, shall not preclude the commencement and/or
8 imposition of any other enforcement action or penalty for the same violation.

9
10 **16.52.020 Request to correct violation.**

11 A. Determination by Fire Marshal to Request Correction of a Violation. Whenever the fire marshal
12 determines that a condition exists which violates the fire regulations adopted by this title, the fire marshal
13 may, by service of the notice required by this section, request such violation to be corrected.

14 B. Service of Notice Requesting Correction of a Violation. Upon determining to request the correction of
15 a violation of the fire regulations adopted by this title, the fire marshal shall cause a written notice of such
16 request to be served on any person known by the fire marshal to be wholly or partially responsible for such
17 violation as well as the owner of any premises on or within which the violation has occurred. Such notice
18 shall contain a brief description of the nature of the violation, the action to be taken to correct the violation
19 and a date certain by which such corrective action must be completed, shall contain a statement of the right
20 of a person aggrieved by the determination of the fire marshal that a violation has occurred to apply for
21 administrative review of such determination and to appeal such determination in the manner provided for
22 by Chapter 16.02 of this title, and shall advise the person upon whom the notice is served that a failure to
23 correct the violation on or before the date required by the notice may subject such person to the infraction
24 penalties provided for in Section 16.52.090 of this chapter.

25 C. Effect of Request to Correct Violation. Any person served with a notice of the request of the fire
26 marshal to correct a violation of the fire regulations adopted by this title shall cause such violation to be
27 corrected on or before the date required by such notice. Provided, however, that if a person is served with a
28 notice to correct a violation, such person shall not be subject to any of the infraction penalties provided for

1 in Section 16.52.090 of this chapter unless such person fails to correct such violation on or before the date
2 required by such notice.

3
4 **16.52.030 Order revoking permit.**

5 A. Determination by the Fire Marshal to Order the Revocation of a Permit. Whenever the fire marshal
6 determines that a permit was issued pursuant to the provisions of Chapter 16.48 of this title and CFC
7 Section 105, as adopted by Chapter 16R.42 of Title 16R of this code based on a permit application or on
8 plans and specifications or other data and information submitted as part of the permit application which
9 contained a material misrepresentation of fact, that such permit authorizes an activity or operation which is
10 in violation of the fire regulations adopted by this title, or that any activity or operation authorized by the
11 permit is being conducted at a place or in a manner which violates the fire regulations adopted by this title
12 and/or the terms and conditions of such permit, the fire marshal may, by service of the notice required by
13 this section, order the revocation of such permit.

14 B. Service of Notice of Order Revoking a Permit. Upon determining to order the revocation of a permit
15 issued pursuant to the provisions of Chapter 16.48 of this title and CFC Section 105, as adopted by Chapter
16 16R.42 of Title 16R of this code, the fire marshal shall cause a written notice of such order to be served on
17 the person to whom the permit was issued. In addition to setting forth the order of the fire marshal revoking
18 such permit, such notice shall contain a brief description of the reasons why the permit is being revoked and
19 the action, if any, which may be taken in order to cause the permit to be reinstated or reissued, shall contain
20 a statement of the right of a person aggrieved by the order to apply for administrative review of the order
21 and to appeal the order in the manner provided for by Chapter 16.02 of this title, and shall advise the person
22 upon whom the notice is served that unless and until such permit is reinstated or reissued, further
23 participation in the activity or operation for which the permit was issued may subject such person to the
24 misdemeanor penalties provided for in Section 16.52.090 of this chapter.

25 C. Effect of Order Revoking a Permit No person served with a notice of the order of the fire marshal
26 revoking a permit issued pursuant to the provisions of Chapter 16.48 of this title and CFC Section 105, as
27 adopted by Chapter 16R.42 of Title 16R of this code shall engage in any activity or conduct any operation
28 for which the permit was issued unless and until such permit has been reinstated or reissued. Provided that,

1 where the fire marshal has ordered a permit revoked because the application, the plans and specifications, or
2 other data and information submitted as part of the permit application contained a material misstatement of
3 fact, such permit shall not be reinstated or reissued unless a revised permit application has been filed, an
4 additional permit fee has been paid and a new permit has been issued.
5

6 **16.52.040 Order to stop work.**

7 A. Determination of the Fire Marshal to Order Work to be Stopped. Whenever the fire marshal
8 determines that work is being performed which is in violation of the fire regulations adopted by this title
9 and/or as adopted by Chapter 16R.42 of Title 16R of this code, the fire marshal may, by service and posting
10 of the notices required by this section, order such work to be stopped.

11 B. Service of Notice of Order to Stop Work. Upon determining to order work to be stopped, the fire
12 marshal shall cause a written notice of such order to be served on any person known to the fire marshal to
13 be primarily responsible for such work as well as the owner of any premises on which such work is being
14 performed. In addition to setting forth the order of the fire marshal to stop work, such notice shall contain a
15 brief description of the reasons why such work has been ordered stopped and the action, if any, which may
16 be taken in order that such work may be resumed, shall contain the statement of the right of any person
17 aggrieved by such order to apply for administrative review of the order and to appeal the order in the
18 manner provided for by Chapter 16.02 of this title, and shall advise the person on whom the notice is served
19 that unless authorized by the fire marshal, any further work may subject such person to the misdemeanor
20 penalties provided for in Section 16.52.090 of this chapter.

21 C. Posting of Notice of Order to Stop Work. Upon determining to order work to be stopped, the fire
22 marshal shall also cause a written notice of such order to be posted in a conspicuous place on any premises
23 on or within which such work is being performed. In addition to setting forth the order of the fire marshal to
24 stop work, such notice shall state that it is a misdemeanor for any person to perform any further work on the
25 premises of the same or a similar nature without authorization of the fire marshal or to remove or deface the
26 posted notice of such order.

27

28

1 D. Effect of Order to Stop Work. No person served with a notice of the fire marshal's order to stop work
2 or having knowledge of such order shall cause or permit work of the same or a similar nature to be
3 performed unless authorized by the fire marshal.
4

5 **16.52.050 Order to vacate a building, structure or other premises.**

6 A. Determination of the Fire Marshal to Order the Vacation of a Building, Structure or Other Premises.
7 Whenever the fire marshal determines that a building, structure or other premises is being occupied, used or
8 maintained in a manner which violates the fire regulations adopted by this title, and that such occupancy,
9 use, or maintenance has or is likely to create an imminent and serious fire hazard, the fire marshal may, by
10 service and posting of the notices required by this section, order such building, structure or other premises
11 to be vacated.

12 B. Service of Notice of Order to Vacate Building, Structure or Other Premises. Upon determining to
13 order the vacation of a building, structure, or other premises, the fire marshal shall cause a written notice of
14 such order to be served on the owner of such building, structure or other premises and on any person known
15 to the fire marshal to be occupying or using such building, structure or other premises if such person is
16 someone other than the owner of such building. In addition to setting forth the order of the fire marshal to
17 vacate the building, structure or other premises, such notice shall contain a brief description of the reasons
18 why such building, structure and other premises have been ordered vacated and the action, if any, which
19 may be taken in order that the occupancy and use of a building, structure and other premises may be
20 resumed, shall contain the statement of the right of any person aggrieved by such order to apply for
21 administrative review of the order and to appeal the order in the manner provided for by Chapter 16.02 of
22 this title, and shall advise the person on whom the notice was served that unless authorized by the fire
23 marshal, the continued occupancy or use of such building, structure and other premises may subject such
24 person to the misdemeanor penalties provided for in Section 16.52.090 of this chapter.

25 C. Posting of Notice of Order to Vacate Building, Structure or Other Premises. Upon determining to
26 order the vacation of a building, structure or other premises, the fire marshal shall also cause a written
27 notice of such order to be posted in a conspicuous place on such building, structure or other premises. In
28 addition to setting forth the order of the fire marshal to vacate the buildings structure or other premises,

1 such notice shall state that it is a misdemeanor for any person to occupy or use such building, structure or
2 other premises unless authorized by the fire marshal or to remove or deface the posted notice of such order.

3 D. Effect of Order to Vacate Building, Structure or Other Premises. No person served with a notice of
4 the fire marshal's order to vacate a building, structure or other premises or having actual knowledge of such
5 order shall occupy or use such building, structure or other premises unless authorized by the fire marshal.
6

7 **16.52.060 Order to abate hazardous condition.**

8 A. Determination of the Fire Marshal to Order the Abatement of a Hazardous Condition. Whenever the
9 fire marshal determines that a condition exists which is a violation of the fire regulation standards adopted
10 by Chapter 16.46 of this title or as adopted by Chapter 16R.42 of Title 16R of this code and that such
11 condition has or is likely to create an imminent and serious fire hazard, the fire marshal may, by service and
12 posting of the notices required by this section, order such hazardous condition to be abated.

13 B. Service of Notice of Order to Abate Hazardous Condition. Upon determining to order the abatement
14 of a hazardous condition, the fire marshal shall cause a written notice of such order to be served on any
15 person known to the fire marshal to have caused or otherwise be responsible for such hazardous condition
16 as well as the owner of any premises on or within which such hazardous condition exists. In addition to
17 setting forth the order of the fire marshal to abate the hazardous condition, such notice shall contain a brief
18 description of the reasons why such condition has been ordered abated and the action, if any, which may be
19 taken in order to carry out such order, shall contain the statement of the right of any person aggrieved by
20 such order to apply for administrative review of the order and to appeal the order in the manner provided
21 for by Chapter 16.02 of this title, and shall advise the person on whom the notice is served that unless
22 authorized by the fire marshal, the continued maintenance of such hazardous condition may subject such
23 person to the misdemeanor penalties provided for in Section 16.52.090 of this chapter.

24 C. Posting of Notice of Order to Abate Hazardous Condition. Upon determining to order the abatement
25 of a hazardous condition, the fire marshal shall also cause a written notice of such order to be posted in a
26 conspicuous place upon any premises on or within which the hazardous condition exists. In addition to
27 setting forth the order of the fire marshal to abate the hazardous condition, such notice shall state that it is a
28

1 misdemeanor for any person to maintain such hazardous condition or to remove or deface the posted notice
2 of such order.

3 D. Effect of Order to Abate Hazardous Condition. No person served with a notice of the fire marshal's
4 order to abate a hazardous condition or having knowledge of such order shall cause or permit such
5 condition to continue unless otherwise authorized by the fire marshal.

6
7 **16.52.070 Right of entry.**

8 Whenever necessary to enforce the fire regulations adopted by this title, the fire marshal may enter upon
9 any premises located within the city at a reasonable time to inspect any building or structure, building
10 service equipment, or sign located on or within such premises or to perform any duty imposed upon the fire
11 marshal by the fire regulations; provided that if such premises are occupied, the fire marshal shall first
12 present proper credentials to the occupant of the premises and demand entry; and if such premises are not
13 occupied, the fire marshal shall first make a reasonable effort to locate the owner or other person having
14 charge or control of the premises and demand entry. Should entry be refused, the fire marshal shall have
15 recourse to every remedy provided by this code or the laws of the state of California to secure entry.

16
17 **16.52.080 Violation declared to be a public nuisance.**

18 Any condition which violates the fire regulations adopted by this title shall be and is declared to be a
19 public nuisance and the city attorney is authorized to commence an action or proceeding in a court of
20 appropriate jurisdiction to abate such nuisance in the manner provided for by law.

21
22 **16.52.090 Penalties.**

23 A violation of the fire regulations adopted by this title or as adopted by Chapter 16R.42 of Title 16R of
24 this code shall be an infraction which is punishable by a fine in an amount provided by Section 1505 of the
25 Charter of the City of Chico; except that a violation of any order revoking a permit, order to stop work,
26 order to vacate a building, structure or other premises, order to abate a hazardous condition, or the removal
27 or defacement of any notice of such order posted by the fire marshal in the manner provided for in this
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1 chapter shall be a misdemeanor punishable by imprisonment in the county jail for a period not exceeding
2 six months, or by a fine not exceeding \$1,000, or by both.

3
4 **SECTION 17.** Any inconsistencies between building standards set forth in the 2016 Editions of
5 the California Building, Electrical, Mechanical, and Fire Codes as adopted by this Ordinance, and the
6 respective Parts of Title 24 of the California Code of Regulations, are changes, modifications,
7 amendments, additions or deletions as authorized by California Health and Safety Code Sections 17958.5
8 and 17958.7, were reasonably necessary to make because of local climatic, geological, topographic
9 conditions. Said findings justifying the local amendments were made through the concurrent enactment of
10 Resolution No. 94-16.

11
12 **SECTION 18.** To the extent the provisions of this Ordinance are substantially the same as
13 previous provisions of the Chico Municipal Code, these provisions shall be construed as continuations of
14 those provisions and not as new enactments. Nothing in this Ordinance, nor the adoption of this
15 Ordinance, shall excuse any violation of Title 16R or Title 16 of the Chico Municipal Code, occurring
16 prior to the effective date hereof.

17
18 **SECTION 19.** The City Council finds and determines that the enactment of this Ordinance is not
19 a project under the California Environmental Quality Act (CEQA) (Cal Pub. Resource Code §§ 21000 et
20 seq.) in that the activities described in the Ordinance are a continuing administrative activity of the City
21 involving general policy and procedure making and organizational or administrative activities of
22 governments that will not result in direct or indirect physical changes in the environment. (State CEQA
23 Guidelines, Cal. Code of Regs., Title 14, § 15378.) Therefore, no environmental assessment is required or
24 necessary.

25
26 **SECTION 20.** The City Clerk shall attest to the passage and adoption of this Ordinance, and shall
27 cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) calendar days
28 after its adoption, but the provisions shall not be operative until January 1, 2017.

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SECTION 21. If any part, provision, or portion of this Ordinance, or its application to any individual, entity, or circumstance, for any reason, is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance and shall continue in full force and effect. To this end, any part, provision, or portion of this Ordinance is severable. The City Council declares that this Ordinance, and each section, subsection, sentence, clause and phrase thereof, would have been adopted by the City Council regardless of the fact that any other section, subsection, sentence, clause or phrase might be declared to be invalid or unconstitutional.

THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its meeting held on December 20, 2016, by the following vote.

AYES: Coolidge, Ory, Schwab, Sorensen, Stone, Fillmer, Morgan

NOES: None

ABSENT: None

ABSTAINED: None

DISQUALIFIED: None

APPROVED AS TO FORM:



Vincent C. Ewing
City Attorney*

ATTEST:



Deborah R. Presson
City Clerk

*Pursuant to The Charter of the City of Chico, Section 906(E)