

**City of Culver City, California  
Agenda Item Report**

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| Meeting Date: 06/23/14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | Item Number: <u>PH-6</u>                                                               |  |
| <b>CITY COUNCIL AGENDA ITEM: PUBLIC HEARING - (1) Introduction of an Ordinance Repealing and Replacing Chapter 9.02 of Title 9 of the Culver City Municipal Code and Adopting by Reference the 2013 California Fire Code with Local Amendments; and (2) Adoption of a Resolution Making Express Findings for the Modification of the Fire Code Based on Local Climatic, Geological, and Topographical Conditions.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                                                        |  |
| Contact Person/Dept.: Michael Bowden,<br>Fire Prevention                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | Phone Number: (310) 253-5926                                                           |  |
| Fiscal Impact: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | General Fund: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>      |  |
| Public Hearing: <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | Action Item: <input type="checkbox"/> Attachments: <input checked="" type="checkbox"/> |  |
| Public Notification:<br>Publication in the Culver City News on 6/19/14; Meetings and Agendas – City Council (06/17/14)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                                                                        |  |
| Department Approval:<br>David White (by M. Bowden 6/10/14))                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | City Attorney Approval:<br>Carol Schwab (by L. Vidra) (06/12/14)                       |  |
| Chief Financial Officer Approval:<br>Jeff Muir (by M. Noller) (06/17/14)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | City Manager Approval:<br>John M. Nachbar (06/17/14)                                   |  |
| <p><b><u>RECOMMENDATION:</u></b></p> <p>Staff recommends the City Council conduct a Public Hearing and (1) introduce an Ordinance repealing and replacing Chapter 9.02 of Title 9 of the Culver City Municipal Code and adopting by reference the 2013 California Fire Code (CFC) with local amendments; and (2) adopt a Resolution making express findings for modification to the Fire Code based on local climatic, geological, and topographical conditions.</p> <p><b><u>PROCEDURE:</u></b></p> <ol style="list-style-type: none"><li>1. Mayor requests a motion to receive and file the affidavit of publication and posting of notice of public hearing;</li><li>2. Mayor calls for a staff report;</li><li>3. The City Council poses questions to staff as desired;</li><li>4. Mayor seeks a motion to open the public hearing;</li><li>5. Mayor requests a motion to close the public hearing after all public testimony is provided;</li><li>6. The City Council discusses the matter and takes desired actions.</li></ol> |  |                                                                                        |  |

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**BACKGROUND:**

In California, the State Fire Marshal has adopted the 2013 California Fire Code (CFC) based upon the 2012 International Fire Code (IFC) as Part 9 of Title 24 of the California Code of Regulations. Title 24 is commonly referred to as the California Building Standards Code.

The IFC is a model code developed by the International Code Council which combined three of the major model code groups into one council with the intent to create one universal code for the entire United States.

During 2012, the State Fire Marshal amended the 2012 IFC and adopted it as the 2013 CFC. The 2013 CFC became state law on January 1, 2014. Local jurisdictions may amend and adopt the CFC to fit local requirements. If no action is taken, the local jurisdiction is required to operate solely under State regulations.

**DISCUSSION**

On May 27, 2014, this item was brought to the City Council for discussion. Several clarifying points and changes were suggested and are incorporated as listed below:

- Section 9.02.210 was modified to allow the City Council to grant an additional special permit each year for a public fireworks display sponsored by the City.
- Section 9.02.215(B)(4) was modified to include the requirement for the transportation routes for vehicles transporting fireworks through the City to be included on the fireworks permit application.
- Section 9.02.215(C) was modified to include language that required insurance coverage would be determined by the City Attorney and the Fire Chief, in an amount of at least 1 million dollars.
- Section 9.02.220 was changed to reflect that the fireworks shows “may be held” instead of “shall be held” on July 4<sup>th</sup> and for Culver City High School’s homecoming celebration.
- In addition to the changes directed by City Council, an amendment deleting Chapter 56, *Explosives and Fireworks* from the 2013 California Fire Code was

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removed. This chapter references several state codes that are applicable to all fireworks displays conducted in the state.

Thus, this item is coming back to you for re-introduction, due to the above changes, several of which are substantive in nature.

The Fire Department is requesting the current Culver City Fire Code, contained in Culver City Municipal Code (CCMC) Chapter 9.02, be repealed, and a new ordinance adopting the 2013 California Fire Code with local amendments be adopted in its place. There are minor changes based on text for reorganization, text adjustments, and amendments to Chapters 1 through 80, and various appendix sections being proposed. Several of the changes to Chapter 9.02 of the CCMC involve section number changes due to numbering revisions in the 2013 California Fire Code.

Health and Safety Code Sections 17921 and 17922, as well as the City's Charter Section 618, permit adoption of the Code by reference.

Health and Safety Code Section 13143.5 allows the City, by ordinance, to make changes or modifications that are more stringent than the requirements set by the State.

Pursuant to Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations that are more restrictive than the State standards, certain findings of fact must be made. These findings are presented in a proposed resolution along with the introduction of the new ordinance. This adoption cycle, there are only minor new local requirements; the majority of this process will simply reaffirm existing local amendments. A copy of these findings will be filed with the State of California, Building Standards Commission.

Pursuant to Government Code section 50022.3, the City must hold a public hearing, and notice of the hearing date, time and location must be published in a local newspaper. The public notice was published in the Culver City News on June 19, 2014. Per Government Code section 50022.6, a copy of the 2013 California Fire Code was filed with the Office of the City Clerk and will be kept there for public inspection. A copy will also be kept in the offices of the Culver City Fire Marshal, in Fire Prevention.

**FISCAL ANALYSIS:**

There is no fiscal impact associated with the proposed actions.

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**ATTACHMENTS:**

1. Proposed Ordinance
2. Proposed Resolution
3. Culver City Municipal Code Chapter 9.02

**MOTION:**

That the City Council:

1. Introduce an Ordinance Repealing and Replacing Chapter 9.02 of Title 9 of the Culver City Municipal Code and Adopting by Reference the 2013 California Fire Code, with Local Amendments; and,
2. Adopt a Resolution making express findings for modification to the Fire Code based on local climatic, geological and topographical conditions.