

ORDINANCE NO. 1876

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA AMENDING FIRE SPRINKLER EXCEPTIONS SECTION 11-28 OF THE FONTANA MUNICIPAL CODE INCREASING THE MINIMUM BUILDING SQUARE FOOTAGE EXCEPTION TO THE REQUIREMENT FOR FIRE SPRINKLER SYSTEMS FROM 200 SQUARE FEET TO 500 SQUARE FEET AND AMENDING THE FIRE SPRINKLER SYSTEM STANDARDS SECTION 11-31 OF THE FONTANA MUNICIPAL CODE REQUIRING THE INSTALLATION OF FIRE SPRINKLER SYSTEMS OR OTHER APPROPRIATE FIRE SUPPRESSION SYSTEM APPROVED BY THE FIRE MARSHALLIN FOR ALL BUILDINGS THAT HOUSE VEHICLES AND ALLOWING THE INSTALLATION OF A 13R OR 13D RESIDENTIAL FIRE SRINKLER SYSTEM IN PLACE OF A 13 SYSTEM FOR COMMERCIAL BUILDINGS LESS THAN 5,000 SQUARE FEET.

WHEREAS, pursuant to California Government Code section 18941.5, the City of Fontana ("City") may adopt more restrictive building standards than those provided for by State Building Standards Laws, including the California Fire Code; and

WHEREAS the California Fire Code requires the installation of a fire sprinkler system on all commercial buildings 5,000 square feet or larger; and

WHEREAS the California Fire Code requires the installation of a fire sprinkler system on all commercial buildings 5,000 square feet or larger; and

WHEREAS, Section 11-28 (Fire Prevention) of the Fontana Municipal Code ("Code") defines fire sprinkler system requirements in the City; and

WHEREAS, the City is amending the fire sprinkler requirements of the municipal code to create more appropriate and efficient standards; and

WHEREAS, the proposed Code amendments are consistent with the protection and promotion of the public health, safety, and general welfare; and

WHEREAS, all of the notices required by State statute or the City of Fontana Municipal Code have been given as required; and

WHEREAS, On December 14, 2021, the City Council held a duly noticed public hearing to consider the proposed Municipal Code Amendment and received testimony and supporting documents in evidence.

THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA DOES ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Approve Municipal Code Amendment MCA No. 21-002, requesting changes to Municipal Code Chapter 11 – Fire Prevention, Section 11-28 and 11-31, as provided in Exhibit “A” attached hereto, which shows all language proposed to be deleted as strikethrough and language proposed to be added as bold and underlined.

Section 3. CEQA. This approval is not subject to the California Environmental Quality Act (“CEQA”), because it is exempt under State CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that there is no possibility that the activities in question may have a significant effect on the environment. Alternatively the approval is exempt pursuant to CEQA Guidelines 15308 (Actions by Regulatory Agencies for Protection of the Environment), and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA

Section 4. Existing Code Provisions. All existing provisions of the Municipal Code that are repeated in Exhibit A are repeated only to aid decision-makers and the public in understanding the effect of the proposed changes. Restatement of existing provisions does not constitute a new enactment.

Section 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk’s office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of these records is the City Clerk.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The people of the City of Fontana hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

Section 8. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Fontana.

APPROVED AND ADOPTED this 14th day of December 2021.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Tonia Lewis, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting of said City Council on December 14, 2021, and was finally passed and adopted not less than five days thereafter on January 25, 2025, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk

Mayor

ATTEST:

City Clerk

EXHIBIT “A”

Amendments to Municipal Code

Sec. 11-28. Exceptions; permissible sprinkler omissions.

- (a) Subject to the approval and concurrence of the fire chief and the building official, sprinklers may be omitted where they are considered undesirable because of the nature of the contents of a building or structure. Alternative fire extinguishing systems, as determined by the chief may be required. Sprinklers shall not be omitted from any building, structure or room merely because it is damp, contains electrical equipment, is constructed out of noncombustible materials, or is constructed out of fire-resistive construction.
- (b) Buildings and other structures of 500 square feet (46.5m²) or less in gross floor area.
- (c) Additions to existing buildings or structures of less than 5,000 square feet in gross floor area, when the total gross floor area of the addition(s) over a period of five years does not exceed 50 percent of the total gross floor area of the existing building or structure. (Note: if the addition is required to be fire sprinklered, the automatic fire sprinkler system shall be installed throughout the entire existing building or structure as well as the addition.)
- (d) If the change of use or occupancy of a building or structure places the proposed new use in a less hazardous occupancy group, based on life or fire risk, than the existing use.
- (e) Structures that have an open roof or that are open on three or more sides, such as, but not limited to, patio covers, gazebos, carports, awnings, canopies, or equipment enclosures.
- (f) Public restrooms, snack bars and storage buildings located within city parks, excluding community centers.

Sec. 11-31. Sprinkler system standards.

- (a) Every sprinkler system shall have at least one Fire Department Connection (FDC).
Exception. Upon approval of the fire prevention office, the FDC may be omitted.
- (b) Every sprinkler system shall have backflow protection.
- (c) Post indicator valves and riser control valves shall be installed as determined by the fire prevention office upon submission of plans.
- (d) Sprinkler systems shall be designed to a working pressure of no more than 175 psi and tested at a minimum of 200 psi.
- (e) Minimum underground pipe size shall be six inches in diameter.

Exception. Upon approval of the fire prevention office, pipe size and system riser may be of a smaller diameter.

- (f) Every sprinkler system shall be tested in accordance with the applicable NFPA standard, or other standard approved by the fire prevention office.
- (g) Commercial buildings smaller than 5,000 square feet may install a residential NFPA 13R or residential NFPA 13D fire sprinkler system in place of a commercial NFPA 13 fire sprinkler system. (g)
- (h) All commercial buildings with the potential to house vehicles shall install a commercial NFPA 13 fire sprinkler system or other appropriate fire suppression system as may be approved by the Fire Marshal. Non-commercial buildings with the potential to house vehicles may install a residential NFPA 13R or residential NFPA 13D fire sprinkler system in place of a commercial NFPA 13 fire sprinkler system.