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WHEREAS, Section 10.9 of Chapter 10 of the Gilroy City Code provides that the latest edition of the California Fire Code (CFC) shall be submitted to the City Council for adoption subject to local modifications and changes; and

WHEREAS, the latest edition of the California Fire Code is the 2018 International Fire Code (IFC) with amendments adopted by the State of California as the 2019 California Fire Code; and

WHEREAS, California has adopted the 2019 California Fire Code with amendments as part of the California Building Standards Code Title 24, Part 9; and

WHEREAS, California Health and Safety Code section 17958 authorizes a city or county to make changes in provisions published in the California Building Standards Code or other regulations, but specifies that if a city or county does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes or modifications in those requirements upon express findings, the provisions published in the California Building Standards Code or other promulgated regulations shall be applicable to the city or county and shall become effective 180 days after publication, which date of effectiveness is January 1, 2020; and

WHEREAS, California Health & Safety Code section 17958.5 authorizes a city or county to make changes or modifications in the requirements contained in the provisions of the California Building Standards Code and other adopted regulations if the city or county determines that the changes or modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, California Health & Safety Code section 13143 authorizes a city or county, by ordinance, to make changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety and certain other regulations; and

WHEREAS, the Silicon Valley area, which includes this City, is within a very active seismic area and local soil conditions can be highly expansive and are prone to shrink and swell during seasonal drying and wetting; and

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WHEREAS, portions of the City are in hillside areas that are high hazard fire zones and are adjacent to State Responsibility Areas designated as very high hazard zones. These areas have only limited fire suppression forces and facilities available for the protection of life and property and are characterized by vegetation that is highly flammable and subject to rapidly expanding wildfires; and

WHEREAS, City fire protection and suppression services for buildings are limited and therefore require supplemental fire suppression services such as automatic fire sprinkler systems, fire alarms and fire resistive construction; and

WHEREAS, the City has local climatic considerations including temperatures ranging from below freezing to over one hundred degrees, local geological considerations including the presence of seismic activity and expansive clay soils, and local topographical considerations including extensive hillside construction that is prone to erosion and slippage; and

WHEREAS, the City has participated in a County-wide effort over many months to make uniform amendments to the 2018 International Fire Code with 2019 California Fire Code amendments, consistent with cities in the county that share similar local climatic, geological and topographical considerations; and

WHEREAS, the Interim Fire Chief recommends that some local amendments to the 2018 International Fire Code and 2019 California Fire Code are necessary as are set forth herein; and

WHEREAS, a duly noticed public hearing was held by the City Council on November 4, 2019, prior to the adoption of this 2018 International Fire Code with 2019 California Fire Code amendments and local amendments; and

WHEREAS, this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA"), as amended, because it does not involve an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the City Council has reviewed all of the written materials and considered all of the oral testimony presented to it on this matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GILROY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I
This Ordinance shall be known and cited as the City of Gilroy Fire Code.

SECTION II

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the State Building Standards Commission, including Errata, with modifications, additions and
to changes recommended by the Interim Fire Chief as set forth in Section III of this Ordinance.

SECTION III

The following sections are adopted as described below.

Chapter 1 is adopted in its entirety as amended below.

SECTION 101.1 TITLE.

101.1 Title. These regulations shall be known as the City of Gilroy Fire Code, hereinafter referred to as “THIS CODE”.

SECTION 103.1 APPOINTMENT.

103.1 Appointments. The Fire Marshal carries out the functions of the fire code official on behalf of and under the direction of the Fire Chief and implements, administers and enforces the provisions of this code. The Fire Marshal’s Office is established within the City of Gilroy as the Office of Fire Prevention.

SECTION 105.6.20 HAZARDOUS MATERIALS.

105.6.20 Hazardous Materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in tables 105.6.8, 105.6.10, and 105.6.20. This includes radioactive materials with more than one micro curie (37,000 Becquerel) of radioactive material not contained in a sealed source or more than 1 mill curie (37,000,000 Becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which a specific licenses from the Nuclear Regulatory Commission is required. When any material is deemed by the State of California to be listed on a hazardous materials business plan pursuant to California Health and Safety Code Chapter 6.95 and is present at any time in excess of in quantities in excess of 55 gallons, 500 lbs. or 200 cu ft. a permit is required. When any quantity of material, defined as hazardous waste in the California Code of Regulations (CCR) Title 22, shall require a permit.

SECTION 105.6.31 MOTOR FUEL DISPENSING FACILITIES.

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105.6.31 **Motor Fuel Dispensing.** An operational permit is required for the fueling of motor vehicles including automotive, marine craft, and fleets at fixed facilities and through mobile fueling operations.

**SECTION 105.7.26 LITHIUM BATTERIES.**

105.7.26 **Lithium Batteries.** An operational permit is required to handle or store more than 1,000 pounds (454 kg) of lithium batteries.

**SECTION 105.7.27 ADDITIVE MANUFACTURING.**

105.7.27 **Additive Manufacturing.** An operational permit is required to conduct additive manufacturing operations as covered in Section 321.3.

**SECTION 110.4 VIOLATIONS.**

110.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor; provided, however, that where the City Attorney or his or her duly authorized agents has determined that such action would be in the best interest of justice, the City Attorney may specify in the accusatory pleading, citation or amendment thereto that the violation shall be prosecuted as an infraction. Infraction fines are implemented pursuant to Gilroy City Code Section 1.7. Each day that a violation continues after due notice has been served shall be deemed a separate offence.

*Chapter 2 is adopted in its entirety as amended below.*

**SECTION 202 GENERAL DEFINITIONS.**

**3D Printer.** A machine used in the additive manufacturing process for fabricating objects through the deposition of a material using a print head, nozzle, or another printer technology.

**Additive Manufacturing.** A process of joining materials to make objects from 3D model data, usually layer upon layer, sometimes referred to as 3D printing. The Code recognizes two types of additive manufacturing:
1. Industrial additive manufacturing. 3D printing operations that typically utilize combustible powders or metals, an inert gas supply, a combustible dust collection system, or that create a hazardous (classified) location area or zone outside of the equipment.

2. Non-industrial additive manufacturing. 3D printing operations that do not create a hazardous (classified) location area outside of the equipment, and do not utilize an inert gas supply or a combustible dust collection system.

**Corrosive Liquid.** Corrosive liquid is:

1. any liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action; or
2. any liquid having a pH of 2 or less or 12.5 or more; or
3. any liquid classified as corrosive by the U.S. Department of Transportation; or
4. any material exhibiting the characteristics of corrosivity in accordance with Title 22, California Code of Regulations §66261.22.

**All Weather Driving Surface.** A roadway designed to carry the imposed weight loads of fire apparatus (Minimum load of 68,000 pounds) and a minimum surface finish of one layer of asphalt or concrete or road pavers.

**Alteration.** Any work done to a structure that increases the fire area of a room or area.

**Driveway.** Access road from a public way to a structure that is used for vehicular access, including fire and emergency vehicles.

**Moderately Toxic Gas.** A chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

**Other Health Hazard Material.** A hazardous material which affects target organs of the body, including but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage), sensitizers or teratogens (effect on fetuses).

**Secondary Containment.** Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

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Spill Control. That level of containment that is external to and separate from the primary containment and is capable of safely and securely containing the contents of the largest container and prevents the materials from spreading to other parts of the room.

Workstation. A defined space or an independent principal piece of equipment using hazardous materials with a hazard rating of 3 or 4 in accordance with NFPA 704 here a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a work station are included as part of the work station. A work station is allowed to contain ventilation equipment, fire protection devices, detection devices, electrical devices and other processing and scientific equipment.

Chapter 3 is partially adopted with adopted sections listed below. (Sections adopted by the State Fire Marshal remain unchanged except as modified below)

SECTION 303 ASPHALT KETTLES IS ADOPTED IN ITS ENTIRETY

SECTION 305 IGNITION SOURCES IS ADOPTED IN ITS ENTIRETY

SECTION 306 MOTION PICTURE PROJECTION.Rooms AND FILM IS ADOPTED IN ITS ENTIRETY

SECTION 307 OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES IS ADOPTED AS AMENDED BELOW

307.1.1 Prohibited open burning. Open burning, other than cooking, shall be prohibited.

Exception: [No change]

307.4.1 BONFIRES.

307.4.1 Bonfires. Bonfires, other than for cooking purposes, shall be prohibited.

307.4.2 RECREATIONAL FIRES.

307.4.2 Recreational Fires. When approved by the fire code official, recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of the structure shall be eliminated prior to ignition. If allowed, all such fires shall require a fire code permit.

SECTION 308.1.4 OPEN FLAME COOKING DEVICES.

308.1.4 Open Flame Cooking Devices. [No change]
Exceptions:
1. Group R-2, R-3, and R-3.1 occupancies
2. [No change]
3. [No change]

SECTION 309 POWERED INDUSTRIAL TRUCKS AND EQUIPMENT IS ADOPTED

SECTION 310 SMOKING IS ADOPTED

SECTION 311 VACANT PREMISES IS ADOPTED

SECTION 315.8 LITHIUM BATTERY STORAGE AND HANDLING.

315.8 Lithium Battery Storage and Handling. The storage and handling of lithium ion and lithium metal batteries or cells in quantities exceeding 1,000 pounds (4086 kg) shall comply with Section 315.8.1 through 315.8.10, and Chapter 32 where applicable.

315.8.1 Permits. Permits shall be required as set forth in Section 105.6.27.

315.8.2 Maximum Quantity in a Fire Area. The aggregate amount of lithium batteries stored and handled in a single fire area shall not exceed 9,000 pounds (4086 kg).

315.8.3 Construction Requirements. Fire areas shall be separated from each other by fire barriers having not less than 2-hour fire resistance rating constructed in accordance with Section 707 of the Building Code and horizontal assemblies constructed in accordance with Section 711 of the Building Code.

315.8.4 Number of Fire Areas. The maximum number of fire areas within a building shall be four.

315.8.5 Group H, Division 2 occupancy. Storage and handling of more than 9,000 pounds of lithium batteries per fire area shall be in an approved Group H, Division 2 occupancy constructed in accordance with the Building Code and provided throughout with approved automatic smoke detection and radiant-energy detection systems.

315.8.6 Automatic Sprinkler System. Buildings containing fire areas used for lithium battery storage or handling shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The design of the sprinkler system within each fire area shall not be less than that required for Extra Hazard Group 2 with a minimum design area of 2,500 square feet. Where the storage arrangement is required by other provisions of this code to be provided with a higher level of sprinkler system protection, the higher level of sprinkler system protection shall be provided.

315.8.7 Automatic smoke detection system. An approved automatic smoke detection system that activates an approved occupant notification system shall be provided throughout each fire area in accordance with Section 907.

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315.8.8 Radiant energy detection. An approved radiant-energy detection system that activates an approved occupant notification system shall be installed throughout each fire area in accordance with Section 907.

315.8.9 Collection containers. Containers used to collect or store lithium batteries shall be noncombustible and shall not have an individual capacity exceeding 30 gallons (113.6 L), or be approved for transportation in accordance with the Department of Transportation (DOT).

315.8.10 Storage configuration. Lithium batteries shall be considered a high-hazard commodity in accordance with Chapter 32 and where applicable, lithium battery storage shall comply with Chapter 32 in addition to Section 315.8.

SECTION 318 LAUNDRY CARTS IS ADOPTED

SECTION 319.1.1 HEALTH DEPARTMENT APPROVAL.

319.1.1 Health Department Approval. Mobile food preparation vehicles shall display a Santa Clara County Health Department sticker as prescribed by County Health.

SECTION 321 ADDITIVE MANUFACTURING.

321.1 General. Additive manufacturing equipment and operations shall comply with Section 321.

321.1.1 Scope. Additive manufacturing shall comply with one of the following:

1. Non-industrial additive manufacturing shall comply with Section 321.2.
2. Industrial additive manufacturing shall comply with Section 321.3.

321.1.2 Installation, operation and maintenance. 3D printers and associated additive manufacturing equipment shall be installed, operated and maintained in accordance with this Code, the listing and the manufacturer's instructions.

321.1.3 Production materials. Only the production materials listed for use with the equipment and included in the manufacturer's instructions shall be used.

321.2 Non-industrial additive manufacturing. Non-industrial additive manufacturing equipment and operations shall comply with Section 321.2.1 through 321.2.4. Additive manufacturing equipment and operations that do not comply with Section 321.2 shall comply with Section 321.3.

321.2.1 Listing. 3D printers used in non-industrial additive manufacturing shall be listed and labeled in accordance with UL 60950-1, UL 62368-1 or UL 2011. The listing shall also verify:

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1. The 3D printers are self-contained and utilize maximum 30 liter pre-packaged production materials.
2. The operation of the 3D printers shall not create a hazardous (classified) electrical area or outside of the unit.
3. If any hazardous (classified) electrical area or zone exists inside of the unit’s outer enclosure, the area shall be protected by intrinsically safe electrical construction or other acceptable protection methods.
4. The 3D printers shall not utilize inert gas or an external combustible dust collection.

321.2.2 Occupancies. Non-industrial additive manufacturing shall be permitted in all occupancy groups.

321.3 Industrial additive manufacturing. Industrial additive manufacturing equipment and operations shall comply with Section 321.3.1 through 321.3.13.

321.3.1 Permits required. Permits shall be obtained from the fire code official in accordance with Section 105.6 prior to engaging in industrial additive manufacturing operations.

321.3.2 Listing. 3D printers used in industrial additive manufacturing shall be listed and labeled in accordance with UL 2011 or approved for the application based on a field evaluation conducted by an approved agency.

321.3.3 Combustible Dusts and Metals. Industrial additive manufacturing operations that store, use or produce combustible dust, combustible particulate solids or combustible metals shall comply with Chapter 22 and this section.

321.3.4 Powder Evaluation. Printing powders used in industrial additive manufacturing operations shall be tested for combustibility in accordance with NFPA 484 or NFPA 652 as applicable. A copy of test reports shall be provided to the fire code official upon request.

321.3.5 Combustible (non-metallic) Dusts. Industrial additive manufacturing that uses operations that store, use or produce combustible (non-metallic) dusts shall comply with NFPA 654.

321.3.6 Combustible Metals. Industrial additive manufacturing operations that store or use combustible metals shall also comply with NFPA 484.

321.3.7 Ancillary Equipment. Ancillary equipment provided for recycling, sieving, vacuuming or handling combustible powders shall be designed and approved for such use.

321.3.8 Hazardous Materials. Industrial additive manufacturing operations that store or use hazardous materials exceeding the maximum allowable quantity limits shall comply with Chapter 50.

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321.3.9 Inert Gas. Additive manufacturing processes that utilize inert gases shall comply with Chapter 53. Ventilation or gas detection shall be provided in accordance with Section 5307.

321.3.10 Technical Assistance. Where required by the fire code official, a report evaluating the acceptability of technologies, processes, products, facilities, materials and uses associated with the operation shall be provided in accordance with 104.7.2 and approved.

321.3.11 Performance Based Design Alternative. Where approved by the fire code official, buildings and facilities where industrial additive manufacturing is performed shall be permitted to comply with the performance-based design options in Section 5001.3 as an alternative to compliance with the other requirements set forth in this Section.

321.3.12 Occupancies. Industrial additive manufacturing shall only be conducted in the occupancy groups associated with manufacturing operations. The occupancy may be required by the fire code official to comply with Chapter 50 maximum allowable quantity tables. Where approved, the requirements in Sections 321.2.5 and 321.3.6 shall be permitted to provide the technical basis for determining compliance with Table 5003.1.1(1), footnote q.

321.3.13 Safety Certification. The equipment, process, training procedures and occupancy associated with industrial additive manufacturing may be required by the fire code official to receive a safety certification from Underwriter’s Laboratory or equivalent

Chapter 4 is adopted in its entirely as amended below.

SECTION 403 EMERGENCY PREPAREDNESS REQUIREMENTS.

403.12.3 Crowd Managers. Where facilities or events involving a gathering of more than 1,000 persons or for events requiring a Gilroy Special Event Permit, crowd managers shall be provided in accordance with Sections 403.12.3.1 through 403.12.3.3. The number of Crowd Managers shall be jointly established by the Police and Fire Departments based on an evaluation of the level of public safety needs for the specific event or activity.

SECTION 405 EMERGENCY EVACUATION DRILLS IS ADOPTED

SECTION 406 EMPLOYEE TRAINING AND RESPONSE PROCEDURES IS ADOPTED

ORDINANCE NO. 2019-10
Chapter 5 is adopted in its entirety as amended below.

SECTION 501.1 SCOPE.

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter, appendix D.

SECTION 503.1 WHERE REQUIRED.

503.1 Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and as per Fire Department Access Road Standards.

SECTION 503.1.2 ADDITIONAL ACCESS.

503.1.2 Additional Access. The Fire Chief is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Fire apparatus access roadways to buildings or building projects shall be reviewed and approved by the fire code official. All EVA’s shall meet engineering design standards similar to a public roadway or public driveway, and be maintained by the property owner.

Thresholds for additional access are as follows:

a. For residential developments, there shall be a minimum of two approved fire access roadways when there are more than 30 one-family, two-family residential units, or more than 100 multi-family residential units. The Fire Chief will determine secondary access needs for dwellings in the Wildland Urban Interface Fire Area. In no case will more than 10 dwellings exist without a secondary fire access roadway in a Wildland Urban Interface Fire Area.

b. Where there is an individual building exceeding 3 stories in height or exceeds 62,000 sq. ft. in area, there shall be two separate access roadways to access the structure.

c. Where a building complex exceeds 120,000 sq. ft. of total building area it shall be provided with two separate and approved access roadways to the complex.

SECTION 503.2.1 DIMENSIONS.
503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) exclusive of shoulders, or as required by Appendix D, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm). Curb cuts for driveways that provide Fire Apparatus Access shall be 2 feet wider on each side of the driveway (apron extension). Fire apparatus access road width shall be increased to 26 ft. in width and minimum distance of 30 ft. from Buildings when the building is 3 stories or greater.

SECTION 503.2.5 DEAD ENDS.

503.2.5 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet (45m720 mm) in length shall be provided with an approved turn-around area for turning around the fire apparatus. The turn-around shall consist of a bulb shaped cul-de-sac that accommodates the fire apparatus turning radius. Parking of vehicles within the fire apparatus turning radius shall not be permitted. Obstructions by fences or gates that may interfere with the use of turn-around are not permitted. Fire Turn-Around parking restrictions shall be identified by painting the curb red. On private property signage shall be provided indicating that it is a Fire Turnaround Dead end roads in excess of 750 ft. require special approval and may be required to have additional apparatus turn outs or greater width.

Exceptions:
1. An alternative design turn around may be approved when the number of units served by the turn-around is less than 10 and the design is one of the published fire apparatus turn around templates.
2. In the Residential Hillside Zone alternative designs are allowed when they can be shown to provide a minimum 3 point turn and when approved by the Fire Chief.

SECTION 503.2.7 GRADE.

503.2.7 Grade. The grade of the fire apparatus road shall not exceed 15%.

Exception:
1. When approved by the Fire Chief for short segments of an access roadway where the grade does not exceed 18% and will not exceed 50 ft in length and will not impede the movement of the fire apparatus.

SECTION 503.2.2 AUTHORITY.

ORDINANCE NO. 2019-10
503.2.2 Authority. The Fire Chief shall have the authority to require or permit modifications to the required access widths and/or vertical clearance where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

SECTION 503.6 SECURITY GATES.

503.6 Security Gates. The installation of security gates across a fire apparatus access road shall be approved by the Fire Chief. Where security gates are installed they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. When electronic gates are installed across one or more of the fire access roadways they shall be provided with automatic opening devices that can be activated by the fire department during a response to the location. They shall also be provided with KNOX key over-ride switches. Electric gate operators, where provided shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM 2200.

SECTION 503.7 AERIAL FIRE APPARATUS ACCESS ROADS.

503.7 Aerial fire apparatus access roads. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 ft. (9144m), approved aerial fire apparatus access roads shall be provided. For a pitched roof the measurement of the highest roof surface is to the intersection of the roof to the exterior wall, or the top of a parapet wall, whichever is greater. At least one of the access routes shall be located a minimum of 15 ft. and a maximum of 30 ft. from the building, and shall be positioned parallel to one entire side of the building. Overhead utility and power lines shall not be located over the aerial fire apparatus road and the building. When adequate aerial access cannot be provided other means shall be provided by alternate methods and/or materials to compensate for the inadequate access. Such shall include but not be limited to: non-combustible construction components, area separation walls, and specialized access components.

SECTION 504.5 ACCESS CONTROL DEVICES.

Section 504.5 Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to within and throughout the building, are installed, such devices shall be approved by the Fire Chief. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or as otherwise approved by the Fire Chief.
Access Control devices shall also comply with Chapter 10 Egress.

SECTION 505.1 ILLUMINATION.

505.1 Illumination. New buildings shall have illuminated address numbers. Illumination shall be provided throughout the entire period of darkness.

SECTION 505.3 COMPLEX PREMISE IDENTIFICATION.

Section 505.3 Complex Premises Identification. When there are several multi-family units within a development, or single family units do not face a street or where units have an alley as the only driveable access (paseo frontage), an illuminated site diagram shall be installed at each driveway entrance to the development that shows the location and addresses of all units and the fire system device locations.

SECTION 507.5 FIRE HYDRANT SYSTEMS.

507.5 Fire hydrant systems. Fire hydrant systems shall comply with sections 507.5.1 through 507.5.6. Hydrants on public streets shall be installed to the City of Gilroy Public Works Standard Details. Private Fire Hydrant systems shall be installed pursuant to NFPA 24 and maintained and tested pursuant to NFPA 25 by the property owner. Private fire hydrant systems shall not share the same water supply lines with a private domestic supply and shall be on its own separate fire water mains.

SECTION 508.1.2 SEPARATION.

Section 508.1 Separation. The fire command center shall be separated from the remainder of the building by not less than a 2-hour fire barrier constructed in accordance with Section 707 of the International Building Code or horizontal assembly constructed in accordance with Section 711 of the International Building Code, or both.

SECTION 604.12 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS.

604.12 Immersion Heaters. All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

Chapter 9 is adopted in its entirety as amended below.

SECTION 901.6.3. RECORDS.

ORDINANCE NO. 2019-10
Section 901.6.3 Records. Records of all system inspections, tests and maintenance required by the referenced standard shall be maintained on the premises for a minimum of five years. Inspections and tests performed on fire alarm systems shall be documented on NFPA 72 forms.

SECTION 903.2 AUTOMATIC SPRINKLER SYSTEMS - WHERE REQUIRED.

903.2 Automatic Sprinkler Systems. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. An automatic sprinkler system shall be installed throughout all new buildings and structures greater than 1,000 square feet.

Exception: Group S-2 or U occupancies used exclusively for vehicle parking or solar arrays that do not exceed 5,000 square feet.

2. An automatic sprinkler system shall be provided throughout existing Group A, B, E, F, I, L, M, R, S and U buildings and structures, when additions are made that increase the building area by more than 1,000 square feet or the where the resulting area exceeds 3,600 square feet.

3. Any change of occupancy or change in use of any building when that change in use would place the building into a more hazardous division of the same occupancy group.

SECTION 903.1.1 NFPA 13 SPRINKLER SYSTEMS.

903.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1 and local standards. For new buildings having no designated use or tenant, the minimum sprinkler design density shall be Ordinary Hazard Group 2. Where future use or tenant is determined to require a higher density, the sprinkler system shall be augmented to meet the higher density.

SECTION 903.3.1.3 NFPA 13D SPRINKLER SYSTEMS.

ORDINANCE NO. 2019-10
903.3.1.3 NFPA 13D Sprinkler systems. Automatic sprinkler systems installed in one- and two-family dwellings, Group R-3 and R-4 congregate living facilities and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D and local water supply standards. An approved signaling device shall be installed on the exterior and interior of the dwelling. The riser shall be located inside of the garage or an approved protective enclosure, a pilot head installed in attic spaces and spare head box with one of each type of fire sprinkler.

SECTION 907.1.6 FIRE ALARM CERTIFICATION.

907.1.6 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate. The protected premise shall be issued a UUFX type certification from Underwriters Laboratories (UL).

SECTION 907.1.6.1 POSTING OF CERTIFICATE.

907.1.6.1 Posting of Certificate. The UL certificate required in section 907.1.6 shall be posted in a durable transparent cover within 3 feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

SECTION 909.20.1 SMOKE CONTROL SYSTEMS.

Section 909.20.1 Schedule. A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established and both shall occur at least annually.

Chapter 26 is adopted in its entirety without amendment

Chapter 33 is adopted in its entirety as amended below.

SECTION 3304 FIRE WALLS.

3304.9 Firewalls. When firewalls are required in combustible construction, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather-protected at the location of the wall(s).

SECTION 3311 MEANS OF EGRESS.

ORDINANCE NO. 2019-10
3311.1 Stairways Required. Each level above the first story in multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

Exception: For multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

SECTION 3311.1.1 REQUIRED MEANS OF EGREE.

3311.1.1 Required Means of Egress. All buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the pre-fire plan. See Section 3308.2.

Chapter 49 is adopted in its entirety as amended below.

SECTION 4902 DEFINITIONS.

Wildland-urban Interface Fire Area. A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. See Article 86B for the applicable referenced sections of the Government Code and the Public Resources Code. The Wildland-Urban Interface Fire Area shall be defined as all areas within the City/Town of (City of Gilroy) as set forth and delineated on the map entitled "Wildland-Urban Interface Fire Area" which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this chapter. The map properly attested, shall be on file in the Office of the City/Town Clerk of the City/Town of (City of Gilroy).

SECTION 4905.3 ESTABLISHED LIMITS.

4905.3 Established limits. Establishment of Limits. The establishment of limits for the Wildland-Urban Interface Area’s required construction methods shall be designated pursuant to the California Public Resources Code for State Responsibility areas, and in the City of Gilroy the areas designated as Residential Hillside (RH) zoning are so designated based on their topography, vegetation, climatic and proximity to State Responsibility areas which make these methods necessary for effective fire protection within this area. The Residential Hillside Zoning areas are designated as the “City of Gilroy Wildland-Urban Interface Fire Area” and subject to the construction methods of

ORDINANCE NO. 2019-10
SECTION 4906 HAZARDOUS VEGETATION AND FUEL MANAGEMENT.

4906.2 Application. Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) including:
   1.1. Moderate Fire Hazard Severity Zones
   1.2. High Fire Hazard Severity Zones
   1.3. Very-High Fire Hazard Severity Zones

   1. Land designated as a Very-High Fire Hazard Severity Zone or designated “City of Gilroy Wildland-Urban Interface Fire Area” as established in Section 4905.3.

   2. Areas designated as High Fire Hazard Severity Zones and adjacent to “City of Gilroy Wildland-Urban Interface Fire Area” may be subject to all or part of the hazardous vegetation and fuel management requirements when determined necessary by the Fire Chief.

SECTION 4906.3.1 PROHIBITED PLANTS.

4906.3.1 Prohibited Plants. The Fire Chief may designate plants that are prohibited from being used in landscaping in the City of Gilroy Wildland Urban Interface Fire areas or areas adjacent to those areas pursuant to Section 4906.2. The prohibited plants list shall be available from the Fire Prevention Office, Building Permit Office, and each Fire Station. The list shall be updated from time to time by the Fire Chief.

SECTION 4907 DEFENSIBLE SPACE.

4907.1 General. Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and “SRA Fire Safe Regulations” California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) and in the City of Gilroy Wildland-Urban Interface Fire Area shall maintain defensible space as outlined in Government Code 51175 – 51189 and any local ordinance of the authority having jurisdiction.

Persons owning, leasing, controlling, operating or maintaining buildings or structures in the locally adopted Wildland-Urban Interface Fire Area but that are not within the Very-High Fire Hazard Severity Zone and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

ORDINANCE NO. 2019-10
1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.

Exception: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) when required by the fire code official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood; and
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.
6. Defensible space shall also be provided around water tank structures, water supply pumps and pump houses.
7. Remove flammable vegetation a minimum of 10 feet around liquefied petroleum gas tanks/containers.
8. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

Exception: Firewood and combustible materials not for consumption on the premises shall be stored as approved by the Fire Chief.

9. Clear areas within 10 feet (3048 mm) of fire apparatus access roads and driveways to of non-fire-resistive vegetation growth.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

SECTION 4907.2 CORRECTIVE ACTIONS.
4907.2 Corrective Actions. The executive body is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 4907.1 exist to correct such conditions. If the owner fails to correct such conditions the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such conditions exist.

SECTION 4908 FIRE PROTECTION PLAN.

4908.1 General. When required by the Fire Chief, a fire protection plan shall be prepared.

4908.2 Content. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

4908.3 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

4908.4 Plan Retention. The fire protection plan shall be retained by the fire code official and shall be maintained by the Property Owner and any HOA or Property Management Company.

SECTION 4910 IGNITION SOURCE CONTROL.

SECTION 4909 WATER SUPPLY AND FIRE PROTECTION.

4909.1 General. Buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area shall be provided with a fire sprinkler systems and fire protection water supplies in accordance with Chapter 5 and the sprinkler requirements in Chapter 9 as amended.

Exception: Buildings used as carports, sheds and agricultural uses with a building area of not more than 500 square feet (56 m2).

SECTION 4910 IGNITION SOURCE CONTROL.

4910.1 Fireworks. Fireworks shall not be used or possessed in the Gilroy Wildland-Urban Interface Fire Area or in those areas designated pursuant to 4906.2(3) as presenting a proximity to Gilroy Wildland-Urban Interface Fire Areas.

4910.2 Wood Burning. Wood shall not be used in outdoor fire places, outdoor fire pits, or outdoor BBQ’s in the Gilroy Wildland-Urban Interface Fire Area.
4910.3 Off Road Motorized Vehicles. Motorized vehicles shall not be operated on unpaved paths or roadways and going through brush covered areas in Gilroy Wildland-Urban Interface Fire Areas. The Fire Chief may require that access to open spaces by off road vehicles be managed by property owners.

Exception: Local, State and Federal Agency Vehicles on official business in the areas, or property owners or contractors that are provided consent by a property owner in order to conduct property maintenance or construction activities. Such activities shall be done with care to prevent hot vehicle parts from contacting dry or dead grass or brush.

Chapter 50 is adopted in its entirety as amended below.

SECTION 5001 GENERAL

5001.2.2.2 Health Hazards. The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

1. Highly toxic and toxic materials.
2. Corrosive materials.
4. Other health hazards.

SECTION 5001.5.3 HAZARDOUS MATERIALS BUSINESS PLAN.

5001.5.3 Hazardous Materials Business Plan. Facilities that are required to submit Hazardous Materials Business Plan (HMBP) are required by Health and Safety Code (HSC), Chapter 6.95, section 25500 through 25545, and Title 19, Division 2, Chapter 4, and facilities are required to maintain a hazardous materials-related permit in accordance with section 105.6 of this code, shall electronically submit an HMBP every year on or by the last day of the assigned month and no less frequently than that required by the HSC.

Exception: The following facilities shall electronically submit an HMBP at least once every three years on or by the last day of the assigned month and no less frequently than that required by the HSC.

1. Cell tower sites.
2. Facilities with no other hazardous materials permits other than a permit for carbon dioxide system used on beverage dispensing.
3. Dental offices with no other hazardous materials permits other than a permit for a fixed medical gas system and/or small quantity waste generator permit.

SECTION 5003.1.3.1 TOXIC, HIGHLY TOXIC, MODERATELY TOXIC AND SIMILARLY USED OR HANDLED MATERIALS.
5003.1.3.1 Toxic, Highly Toxic, Moderately Toxic Gases and Similarly Used or Handled Materials. The storage, use and handling of toxic, highly toxic and moderately toxic gases in amounts exceeding Table 5003.1.1(2) or 5003.1.1(4) shall be in accordance with this chapter and Chapter 60. Any toxic, highly toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for toxic, highly toxic or moderately toxic gases.

SECTION 5003.1.5 OTHER HEALTH HAZARDS.

5003.1.5 Other Health Hazards. The storage, use and handling of materials classified as other health hazards including carcinogens, irritants and sensitizers in amounts exceeding 810 cubic feet for gases, 55 gallons for liquids and 5,000 pounds for solids shall be in accordance with Section 5003 and Section 5001.

SECTION 5003.1.6 ADDITIONAL SPILL CONTROL AND SECONDARY CONTAINMENT REQUIREMENTS.

5003.1.6 Additional Spill Control and Secondary Containment Requirements. In addition to the requirements set forth in Section 5004.2. An approved containment system is required for any quantity of hazardous materials that are liquids or solids at normal temperature, and pressure (NTP) where a spill is determined to be a plausible event and where such an event would endanger people, property or the environment. The approved containment system may be required to include a combination of spill control and secondary containment meeting the design and construction requirements set forth in Section 5004.2.

SECTION 5003.2.2.1 DESIGN AND CONSTRUCTION.

5003.2.2.1 Design and Construction. Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings and related components shall be designed and fabricated from materials compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.

2. Piping and tubing shall be identified in accordance with ASME A13.1 and the Santa Clara County Fire Chiefs Marking Requirements and Guidelines for Hazardous Materials and Hazardous Waste to indicate the material conveyed.

3. Readily accessible manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:

ORDINANCE NO. 2019-10
3.1.1. The point of use.
3.1.2. The tank, cylinder or bulk use.

4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be identified and the location shall be clearly visible accessible and indicated by means of a sign.

5. Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.

6. Where gases or liquids having a hazard ranking of:

   Health hazard Class 3 or 4
   Flammability Class 4
   Reactivity Class 4

In accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig)(103 Kpa), an approved means of leak detection, emergency shutoff or excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

**Exceptions:**

1. Piping for inlet connections designed to prevent backflow.
2. Piping for pressure relief devices.

7. Secondary containment or equivalent protection from spills or leaks shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Tables 6004.2 and 6004.3. Secondary containment includes, but is not limited to double-walled piping.

**Exceptions:**

1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
2. Piping under sub-atmospheric conditions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.

8. Expansion chambers shall be provided between valves whenever the regulated gas may be subjected to thermal expansion. Chambers shall be sized to provide protection
for piping and instrumentation and to accommodate the expansion of regulated materials.

SECTION 5003.2.2.2 ADDITIONAL REGULATION FOR SUPPLY PIPING FOR HEALTH HAZARD MATERIALS.

5003.2.2.2 Additional Regulation for Supply Piping for Health Hazard Materials. Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 shall be in accordance with ASME B31.3 and the following:

1. Piping and tubing utilized for the transmission of toxic, highly toxic, or highly volatile corrosive liquids and gases shall have welded or brazed connections throughout except for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.

2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H Occupancies.

Exception: Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies when installed in accordance with Section 415.8.6.3 of the California Building Code as required for Group H, Division 5 Occupancies.

3. All primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of $1 \times 10^{-9}$ cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified "third party" not involved with the construction of the piping and control systems.

SECTION 5003.3.1 UNAUTHORIZED DISCHARGES.

5003.3.1 Unauthorized discharges. In the event hazardous materials are released in quantities reportable under state, federal or local regulations or when there is release or a threatened release that presents a threat to health, property or the environment, the fire code official shall be notified immediately in an approved manner and the following procedures required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.

SECTION 5003.5.2 VENTILATION DUCTING.

5003.5.2 Ventilation Ducting. Ducts venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.
SECTION 5003.5 “H” OCCUPANCIES.

5003.5.3 “H” Occupancies. In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

SECTION 5003.9.11 FIRE EXTINGUISHING SYSTEMS FOR WORKSTATIONS DISPENSING, HANDLING OR USING HAZARDOUS MATERIALS.

5003.9.11 Fire Extinguishing Systems for Workstations Dispensing, Handling or Using Hazardous Materials. Combustible and non-combustible workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 2703.10.

Exception: Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500ml.

SECTION 5003.10.4 ELEVATORS USED TO TRANSPORT HAZARDOUS MATERIALS.

5003.10.4.3 Highly toxic, toxic, moderately toxic gases, asphyxiates gases, and corrosive gases shall be limited to a container of a maximum water capacity of 1 lb.

SECTION 5004.2.1 STORAGE.

5004.2.1 Spill Control for Hazardous Material Liquids. Rooms, buildings or areas used for storage of hazardous material liquids shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor and outdoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems, including containment pallets in accordance with Section 5004.2.3.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.
SECTION 5004.2.2. INCOMPATIBLE MATERIALS

5004.2.2. Incompatible Materials. Incompatible shall be separated from each other in independent secondary containment systems.

SECTION 5004.2.3 CONTAINMENT PALLETS.

5004.2.3 Containment Pallets. Combustible containment pallets shall not be used inside buildings to comply with Section 5004.2 where the individual container capacity exceeds 55 gallons (208 L) or an aggregate capacity of multiple containers exceeds 1,000 gallons (3785 L) for liquids or where the individual container capacity exceeds 550 pounds (250 kg) or an aggregate of multiple containers exceeds 10,000 pounds (4540 kg) for solids.

Where used as an alternative to spill control and secondary containment for outdoor storage in accordance, with the exception in Section 5004.2, containment pallets shall comply with all of the following:

1. A liquid-tight sump accessible for visual inspection shall be provided;
2. The sump shall be designed to contain not less than 66 gallons (250L);
3. Exposed surfaces shall be compatible with material stored;
4. Containment pallets shall be protected to prevent collection of rainwater within the sump of the containment pallet.

Chapter 56 is adopted in its entirety as amended below.

SECTION 5601.1.3 FIREWORKS.

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

Exception: The use of fireworks for fireworks displays as allowed in Section 5608 and the sale and use of Safe and Sane Fireworks pursuant to Gilroy City Code Section 10.A.

Chapter 57 is adopted in its entirety as amended below.

SECTION 5704 STORAGE.

5704.2.7.5.8 Overfill Prevention. An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 5706.4 or 5706.7 shall have overfill protection in accordance with API 2350.
An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

**Exception:** Outside aboveground tanks with a capacity of 1320 gallons (5000 L) or less need only comply with Section 5704.2.9.7.5.1 (1.1)

**SECTION 5704.2.7.5.9 AUTOMATIC FILLING OF TANKS.**

**5704.2.7.9 Automatic Filling of Tanks.** Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

**SECTION 5707.3.3 SITE PLAN.**

**5707.3.3 Site Plan.** A site plan shall be developed for each location at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate: all buildings, structures, lot lines, property lines and appurtenances on site and their use and function; all uses adjacent to the lot lines of the site; fueling locations, the locations of all storm drain openings and adjacent waterways or wetlands; information regarding slope, natural drainage, curbing, impounding and how a spill will be kept on the site property; and the scale of the site plan.

*Chapter 58 is adopted in its entirety as amended below.*

**SECTION 5809.3.4 SITE PLAN.**

**5809.3.4 Site Plan.** For other than emergency roadside service, a site plan shall be developed for each location at which mobile gaseous hydrogen fueling occurs. The site plan shall be in sufficient detail to indicate: all buildings, structures, lot lines, property lines and appurtenances on site and their use and function, and the scale of the site plan.

*Chapter 60 is adopted in its entirety as amended below.*

**SECTION 6001.1 GENERAL.**

**6001.1 Scope.** The storage and use of highly toxic, toxic and moderately Toxic materials shall comply with this chapter. Compressed gases shall also comply with Chapter 53.

**Exception:**

ORDINANCE NO. 2019-10
1. Display and storage in Group M and storage in Group S occupancies complying with Section 5003.1.1.
2. Conditions involving pesticides or agricultural products as follows:
   2.1 Application and release of pesticide, agricultural products and materials intended for use in weed abatement, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer’s instruction and label directions.
   2.2 Transportation of pesticides in compliance with the Federal Hazardous Materials Transportation Act and regulations thereunder.
   2.3 Storage in dwellings or private garages of pesticides registered by the U.S. Environmental Protection Agency to be utilized in and around the home, garden, pool, spa and patio.

SECTION 6004.1 GENERAL.

6004.1 General. The storage and use of highly toxic, toxic, and moderately toxic compressed gases shall comply with this section.

6004.1.1 Special limitations for indoor storage and use by occupancy. The indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases in certain occupancies shall be subject to the limitations contained in Sections 6004.1.1.1 through 6004.1.1.3.

6004.1.1.1 Group A, E, I or U occupancies. Moderately toxic, toxic and highly toxic compressed gases shall not be stored or used within Group A, E, I or U occupancies.

Exception: Cylinders not exceeding 20 cubic feet (0.566 m³) at normal temperature and pressure (NTP) are allowed within gas cabinets or fume hoods.

6004.1.1.2 Group R occupancies. Moderately toxic, toxic, and highly toxic compressed gases shall not be stored or used in Group R occupancies.

6004.1.1.3 Offices, retail sales and classrooms. Moderately toxic, toxic and highly toxic compressed gases shall not be stored or used in offices, retail sales or classroom portions of Group B, F, M or S occupancies.

Exception: In classrooms of Group B occupancies, cylinders with a capacity not exceeding 20 cubic feet (0.566 m³) at NTP are allowed in gas cabinets or fume hoods.

SECTION 6004.2 INDOOR STORAGE AND USE.
6004.2 Indoor Storage and Use. The indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be in accordance with Sections 6004.2.1 through 6004.2.4.

SECTION 6004.2.1 APPLICABILITY.

6004.2.1 Applicability. The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 6004.2.1 through 6004.2.4.

SECTION 6004.2.1.4 QUANTITIES EXCEEDING THE MINIMUM THRESHOLD QUANTITIES BUT NOT EXCEEDING THE MAXIMUM ALLOWABLE QUANTITIES PER CONTROL AREAS.

6004.2.1.4 Quantities exceeding the minimum threshold quantities but not exceeding the maximum allowable quantities per control area. The indoor storage or use of highly toxic, toxic, and moderately toxic gases in amounts exceeding the minimum threshold quantities per control area set forth in Table 6004.2.1.4 but not exceeding maximum allowable quantity per control area set forth in Table 5003.1.1(2) shall be in accordance with Sections 5001, 5003, 6001, 6004.1, and 6004.4

ADD TABLE 6004.2.1.4 MINIMUM THRESHOLD QUANTITIES FOR HIGHLY TOXIC, TOXIC AND MODERATELY TOXIC GASES FOR INDOOR STORAGE AND USE.

<table>
<thead>
<tr>
<th>Minimum Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use</th>
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</thead>
<tbody>
<tr>
<td>Highly Toxic</td>
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<tr>
<td>Toxic</td>
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<tr>
<td>Moderately Toxic</td>
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SECTION 6004.4 GENERAL INDOOR REQUIREMENTS.

6004.4 General Indoor Requirements. The general requirements applicable to the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be in accordance with Sections 6004.4 through 6004.4.8.2

SECTION 6004.4.1 CYLINDER AND TANK LOCATION.

ORDINANCE NO. 2019-10
6004.4.1 Cylinder and Tank Location. Cylinders shall be located within gas cabinets, exhausted enclosures or gas rooms. Portable and stationary tanks shall be located within gas rooms or exhausted enclosures.

Exceptions:

1. Where a gas detection system is provided in accordance with 6004.4.8

SECTION 6004.4.2 VENTILATED AREAS.

6004.4.2. Ventilated Areas. The room or area in which gas cabinets or exhausted enclosures are located shall be provided with exhaust ventilation. Gas cabinets or exhausted enclosures shall not be used as the sole means of exhaust for any room or area.

SECTION 6004.4.3 PIPING AND CONTROLS.

6004.4.3. Piping and Controls. In addition to the requirements of Section 5003.2.2, piping and controls on stationary tanks, portable tanks, and cylinders shall comply with the following requirements:

1. Stationary tanks, portable tanks, and cylinders in use shall be provided with a means of excess flow control on all tank and cylinder inlet or outlet connections.

Exceptions:

1. Inlet connections designed to prevent backflow.
2. Pressure relief devices.

SECTION 6004.4.4 GAS ROOMS.

6004.4.4 Gas rooms. Gas rooms shall comply with Section 5003.8.4 and both of the following requirements:

1. The exhaust ventilation from gas rooms shall be directed to an exhaust system.
2. Gas rooms shall be equipped with an approved automatic sprinkler system.
   Alternative fire-extinguishing systems shall not be used.

SECTION 6004.4.5 TREATMENT SYSTEMS.

6004.4.5 Treatment systems. The exhaust ventilation from gas cabinets, exhausted enclosures and gas rooms, required in Section 6004.4.1 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in accordance with Sections 6004.2.2.7.1 through 6004.2.2.7.5 and Chapter 5 of the California Mechanical Code.

Exceptions:
1. Highly toxic, toxic, and moderately toxic gas storage. A treatment system is not required for cylinders, containers and tanks in storage where all of the following controls are provided:

   1.1 Valve outlets are equipped with gas- tight outlet plugs or caps.
   1.2 Hand wheel-operated valves have handles secured to prevent movement.
   1.3 Approved containment vessels or containment systems are provided in accordance with Section 6004.2.2.3.

2. Highly toxic, toxic, and moderately toxic gases — use. Treatment systems are not required for highly toxic, toxic, and moderately toxic gases supplied by stationary tanks, portable tanks, or cylinders where a gas detection system complying with Section 6004.4.8 and listed or approved automatic-closing fail-safe valves are provided. The gas detection system shall have a sensing interval not exceeding 5 minutes. Automatic-closing fail-safe valves shall be located immediately adjacent to cylinder valves and shall close when gas is detected at the permissible exposure limit (PEL) by a gas sensor monitoring the exhaust system at the point of discharge from the gas cabinet, exhausted enclosure, ventilated enclosure or gas room.

SECTION 6004.4.5.1 DESIGN.

6004.4.5.1 Design. Treatment systems shall be capable of diluting, adsorbing, absorbing, containing, neutralizing, burning or otherwise processing the contents of the largest single vessel of compressed gas. Where a total containment system is used, the system shall be designed to handle the maximum anticipated pressure of release to the system when it reaches equilibrium.

SECTION 6004.4.5.2 PERFORMANCE.

6004.4.5.2 Performance. Treatment systems shall be designed to reduce the maximum allowable discharge concentrations of the gas to one-half immediate by dangerous to life and health (IDLH) at the point of discharge to the atmosphere. Where more than one gas is emitted to the treatment system, the treatment system shall be designed to handle the worst-case release based on the release rate, the quantity and the IDLH for all compressed gases stored or used.

SECTION 6004.4.5.3 SIZING.

6004.4.5.3 Sizing. Treatment systems shall be sized to process the maximum worst-case release of gas based on the maximum flow rate of release from the largest vessel utilized. The entire contents of the largest compressed gas vessel shall be considered.
SECTION 6004.4.5.4 STATIONARY TANKS.

6004.4.5.4 Stationary Tanks. Stationary tanks shall be labeled with the maximum rate of release for the compressed gas contained based on valves or fittings that are inserted directly into the tank. Where multiple valves or fittings are provided, the maximum flow rate of release for valves or fittings with the highest flow rate shall be indicated. Where liquefied compressed gases are in contact with valves or fittings, the liquid flow rate shall be utilized for computation purposes. Flow rates indicated on the label shall be converted to cubic feet per minute (cfm/min) (m3/s) of gas at normal temperature and pressure (NTP).

SECTION 6004.4.5.5 PORTABLE TANKS AND CYLINDERS.

6004.4.5.5 Portable Tanks and Cylinders. The maximum flow rate of release for portable tanks and cylinders shall be calculated based on the total release from the cylinder or tank within the time specified in Table 6004.2.7.5. Where portable tanks or cylinders are equipped with approved excess flow or reduced flow valves, the worst-case release shall be determined by the maximum achievable flow from the valve as determined by the valve manufacturer or compressed gas supplier. Reduced flow and excess flow valves shall be permanently marked by the valve manufacturer to indicate the maximum design flow rate. Such markings shall indicate the flow rate for air under normal temperature and pressure.

SECTION 6004.4.6 EMERGENCY POWER.

6004.4.6. Emergency Power. Emergency power shall be provided for the following systems in accordance with Section 604:

1. Exhaust ventilation system
2. Treatment system
3. Gas detection system
4. Smoke detection system

SECTION 6004.4.6.1 FAIL-SAFE SYSTEMS.

6004.4.6.1. Fail-Safe Systems. Emergency power shall not be required for mechanical exhaust ventilation and treatment systems where approved fail-safe systems are installed and designed to stop gas flow.

SECTION 6004.4.7 AUTOMATIC FIRE DETECTION SYSTEMS.

6004.4.7. Automatic Fire Detection System. An approved automatic fire detection system shall be installed in rooms or areas where highly toxic, toxic, and moderately toxic compressed gases are stored or used. Activation of the detection system shall sound a local alarm. The fire detection system shall comply with Section 907.

SECTION 6004.4.8 GAS DETECTION SYSTEMS.
**6004.4.8. Gas Detection System.** A gas detection system complying with Section 916 shall be provided to detect the presence of gas at or below the PEL or ceiling limit of the gas for which detection is provided.

**Exceptions:**

1. A gas detection system is not required for toxic and moderately toxic gases when the physiological warning threshold level for the gas is at a level below the accepted PEL for the gas.
2. A gas detection system is not required for highly toxic, toxic, and moderately toxic gases where cylinders, portable tanks, and all non-continuously welded connects are within a gas cabinet or exhausted enclosures.

**SECTION 6004.4.8.1 ALARMS.**

**6004.4.8.1 Alarms.** The gas detection system shall initiate a local alarm and transmit a signal to an approved location.

**SECTION 6004.4.8.2 SHUT OFF OF GAS SUPPLY.**

**6004.4.8.2. Shut off of gas supply.** The gas detection system shall automatically close the shut off valve at the source on gas supply piping and tubing related to the system being monitored for whichever gas is detected.

**Exceptions:** Automatic shutdown is not required for highly toxic, toxic, and moderately toxic compressed gas systems where all of the following controls are provided:

1. Constantly attended / supervised.
2. Provided with emergency shutoff valves that have ready access.

**Chapter 61 is adopted in its entirety without any amendments.**

**Chapter 64 is adopted in its entirety as amended below.**

**SECTION 6405.3.1 SILANE DISTRIBUTION SYSTEMS AUTOMATIC SHUTDOWN.**

**6405.3.1 Silane Distribution Systems Automatic Shutdown.** Silane distribution systems shall automatically shut down at the source upon activation of the gas detection system at levels above the alarm level and/or failure of the ventilation system for the silane distribution system.

**Appendix D Fire Apparatus Access Roads is adopted in its entirety.**

**Appendix O temporary haunted houses, ghost walks and similar amusement uses is adopted in its entirety**

ORDINANCE NO. 2019-10
SECTION IV

Pursuant to California Health and Safety Code Sections 17958.7 and 18941.5, the City Council of the City of Gilroy finds that each of the modifications, additions and changes to the aforementioned California Fire Code set forth in Section III of this Ordinance are reasonably necessary because of local climatic, geological or topographical conditions, or to impose proper more stringent standards for fire and panic safety. A copy of these findings, together with the modification or changes shall be filed by the City Clerk with the California Building Standards Commission. Specifically, the City Council finds:

(1) **Climatic Findings.** The precipitation averages 13.86 inches per year. Approximately 90% of the precipitation falls during the months of November through April, and 10% from May through October. Relative humidity drops to 20 or lower during the dry months (summer). Temperatures have been recorded as high as 115 degrees Fahrenheit. This area has been subject to drought. It is anticipated that drought conditions will continue to occur in the future. Such conditions allow natural vegetation and outdoor combustible materials to be in a dry state for a large portion of the year, making them more susceptible to ignition and rapid burning. These conditions combined create high fire danger during the summer and fall months.

(2) **Geological Findings.** The region is located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants. This is especially critical in the facilities housing hazardous materials or occupancies requiring safe and quick evacuation in order to get to a safe location. Early warning of fire, early fire suppression and control of spread are important.

(3) **Topographical Findings.** A major rail corridor through the central portion of town divides the City. There are no overpasses available within the City boundaries. This can impair response and can serve to isolate the City’s Fire Response capability. A major highway also divides the City. There are portions of the City where there is only one overpass to access a substantial geographical area. There are no alternate routes within City boundaries; and

The highway is also part of a major truck transportation route. If an accident, or earthquake makes the overpass un-crossable this will isolate the area and impact response times; and the City has a substantial industrial area within a flood plain. Flooding in the area would isolate the area from the City’s Fire Response capability; and

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The City has areas that are within hillside and open spaces defined as State Response Areas. The grade and narrow and/or lack of roadways impair the Fire Response to these areas. The presence of large areas of natural vegetation that is dry and highly ignitable during the dry and hot summer and fall months can create increase fire responses and impair fire response to other incidents. Water flow in the hillside areas is impacted as fire flows fall below 1500 gpm; and

The City is a great distance from any large metropolitan area. Response times from the nearest metropolitan fire department is a minimum of half an hour and during traffic periods in excess of 45 minutes. This serves to further isolate the City and impair Fire Response as there are fewer fire responders in the immediate area. Information on the nature of an incident in a timely manner is of greater importance than in a metropolitan area where a first alarm sends more personnel than the entire on-duty staffing of the Gilroy Fire Department. Measures which provide early fire detection, suppression and prevention of fire spread are warranted based on these findings.

(4) Fire and Panic Safety Findings – Hazardous Materials. Hazardous Materials use, handling and storage present unique emergency response requirements. The Gilroy Fire Department does not have its own hazardous materials team and the nearest mutual aid team is in excess of 45 minutes response time; and

The City of Gilroy relies solely on ground water for water supply and much of the area of Gilroy is in a recharge area. Hazardous Materials Spills can threaten that supply and additional measures are needed to ensure that these materials do not threaten that supply; and

Because Gilroy is remote from the main metropolitan areas, there are fewer ambulance and hospital services available to provide for large numbers of persons with injuries. Hazardous Materials and other intensive industrial uses place a competing burden on the delivery of fire services. Hazardous Material and/or facilities using, storing hazardous materials require additional controls to ensure that such hazards can be controlled; and

(5) Fire and Panic Safety Findings – Automatic Fire Sprinklers. The City’s water system is reliable and capable of providing adequate pressures and reliability to allow the use of automatic fire sprinkler systems to be economical and practical to be included in all new construction. Response to fires, medical aid and other disasters can result in fire responders to be called to multiple calls or to calls that require more suppression
resources than may be on duty. Therefore fire sprinkler systems are relied upon to provide for quick and reliable fire suppression or control. To this end these systems are needed at a lower threshold than the International Codes provide. These systems also need to be designed to provide quick effective and complete fire protection in their activation in order to minimize the effects of fire and panic.

**SECTION V**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Gilroy hereby declares that it would have passed and adopted this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION VI**

This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption. The Codes and amendments to the Codes adopted hereunder shall take effect on January 1, 2020.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GILROY this 18th day of November, 2019, by the following vote:

**AYES:** COUNCILMEMBERS: BLANKLEY, BRACCO, LEROE-MUÑOZ, MARQUES, TUCKER and VELASCO

**NOES:** COUNCILMEMBERS: NONE

**ABSENT:** COUNCILMEMBERS: TOVAR

APPROVED:

[Signature]
Roland Velasco, Mayor

ATTEST:

[Signature]
Shawna Freels, City Clerk

ORDINANCE NO. 2019-10
I, SHAWNA FREELS, City Clerk of the City of Gilroy, do hereby certify that the attached Ordinance No. 2019-10 is an original ordinance, or true and correct copy of a City ordinance, duly adopted by the Council of the City of Gilroy at a special meeting of said Council held on the 18th day of November, 2019, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this 20th day of November, 2019.

[Signature]

Shawna Freels, MMC
City Clerk of the City of Gilroy

(Seal)