# Chapter 16.32

## FIRE PREVENTION

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Section 16.32.10 Reference to Fire Code.

This chapter shall be known as the "Fire Code" and may be cited as such. Whenever in this code or any ordinance of the City the phrases "California Fire Code" or "Fire Code" appear, such phrases shall be deemed and construed to refer to or apply to this Chapter. The addition of the word "standards" to such phrases shall limit the reference and application of such phrases to the "California Fire Code Standards." (Ord. 7245 §3, 2014; Ord. 6964 §2, 2007; Ord. 5259 §36, 1985; Ord. 4147 §1 (part), 1974)

Section 16.32.20 International Fire Code Adopted - Filed with City Clerk.

The 2012 International Fire Code as amended by the California State Fire Marshal, also known as the 2013 California Fire Code ("this Code"), including Appendices Chapter 4, B, C, F, I, and K which prescribes regulations consistent with nationally recognized good practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises, is adopted and by this reference is made a part of this Code with the force and effect as though set out herein in full, with the exception of the parts expressly excepted and deleted or as amended by this Chapter. One copy of this Code has been certified as a true copy, is on file and open to public inspection in the Office of the City Clerk. (Ord. 7245 §3, 2014; Ord. 7104 §2, 2010; Ord. 7000 §2, 2008; Ord. 6964 §3, 2007; Ord. 6633 §1, 2002; Ord. 6473 §2, 1999; Ord. 6262 §1, 1996: Ord. 6031 §1, 1993; Ord. 5803 §1, 1990; Ord. 5551 §1, 1987; Ord. 5259 §37, 1985; Ord. 4854 §1, 1980; Ord. 4589 §1 (part), 1978; Ord. 4192 §5 (part), 1975; Ord. 4147 §1 (part), 1974)

Section 16.32.30 Section 103.2 deleted.

Section 103.2 is deleted in its entirety. (Ord. 7245 §3, 2014)

Section 16.32.40 Section 103.4 amended - Liability.

Section 103.4 is amended in its entirety to read as follows:

This Code shall not be construed to hold the public entity or any officer or employee responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein provided or by reason of the approval or disapproval of any equipment or process authorized herein, or for any action in connection with the control or extinguishment of any fire or in connection with any other official duties.

The expense of securing any emergency which is the result of a violation of this code is a charge against the person whose violation of this code caused the emergency.

Damages caused by and expenses incurred by the Fire Department for securing such emergency shall constitute a debt of such person and is collectible by the City in the same manner as in the case of an obligation under a contract, expressed or implied. (Ord. 7245 §3, 2014; Ord. 7104 §3, 2010; Ord. 6964 §5, 2007; Ord. 6262 §3, 1996: Ord. 6031 §3, 1993; Ord. 4854 §3, 1980; Ord. 4589 §1 (part), 1978; Ord. 4147 §1 (part), 1974)

Section 16.32.41 Section 104.1.1 added - Citations.

Section 104.1 is amended by adding Section 104.1.1 to read as follows:

The fire code official and his or her designee are authorized to issue a citation to persons operating or maintaining an occupancy, premises, or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so. (Ord. 7245 §3, 2014; Ord. 7104 §4, 2010)

Section 16.32.42 Section 104.1.2 added - Fire Prevention Bureau Enforcement Powers.

Section 104.1 is amended by adding Section 104.1.2 to read as follows:

The fire code official and his or her designees have authority to enforce the terms of this Chapter to the extent afforded by law. (Ord. 7245 §3, 2014; Ord. 7104 §5, 2010)
Section 16.32.43  Section 104.12 added - Cost Recovery.
Section 104.12 is amended by adding Section 104.12 to read as follows:
To the extent consistent with state law, the City may obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the fire department to protect the public from criminal or negligent activities, and from fire or hazardous substances. (Ord. 7245 §3, 2014; Ord. 7104 §6, 2010)

Section 16.32.44  Section 105.6.48 added - Christmas Tree and Pumpkin Sales Lots.
Section 105.6 is amended by adding Section 105.6.48 to read as follows:
A permit is required to operate any Christmas tree or Pumpkin sales lot.
EXCEPTION: Nurseries and tree farms. (Ord. 7245 §3, 2014)

Section 16.32.46  Section 108 amended - Board of Appeals.
Section 108 is amended in its entirety to read as follows:
In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the Planning Commission of the City of Riverside. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.
An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code. (Ord. 7245 §3, 2014)

Section 16.32.47  Section 109.4 amended – Violation Penalties.
Section 109 is amended by amending Section 109.4 in its entirety to read as follows:
In addition to other enforcement provisions applicable to this Code, 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 provisions of this code, shall be guilty of an infraction or misdemeanor, punishable by a fine of not more than $1,000.00 dollars or by imprisonment not exceeding 6 months in jail, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 7245 §3, 2014)

Section 16.32.48  Section 111.4 amended - Failure to Comply.
Section 111 is amended by amending Section 111.4 in its entirety to read as follows:
Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be liable to a fine of not less than one hundred dollars ($100) or more than one thousand dollars (1,000). (Ord. 7245 §3, 2014)

Section 16.32.50  Section 305.2.1 added - Hot Ashes and Spontaneous Ignition Sources.
Section 305 is amended by adding Section 305.2.1 in its entirety to read as follows:
Hot ashes, cinders or smoldering coals kept indoors shall be on a non-combustible surface, under a listed minimum Type II ventilation hood that meets the currently adopted California Mechanical Code requirements.
Disposal of hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition shall be deposited in a covered, noncombustible receptacle and placed on a noncombustible floor, ground surface or stand a minimum of 10 feet from any structure or vehicle.
Section 16.32.55  Section 308.1.6.3 added – Sky Lanterns.
Section 308.1.6 is amended by adding Section 308.1.6.3 to read as follows:
Sky lanterns: An unmanned device that incorporates an open flame in order to make the
device airborne. No person shall release or cause to be released an untethered sky lantern.
EXCEPTIONS: Upon approval of the fire code official, sky lanterns may be used as
necessary for religious or cultural ceremonies providing that adequate safeguards have been taken
as approved by the fire code official. Sky lanterns shall be tethered in a safe manner to prevent
them from leaving the area and shall be constantly attended until extinguished. (Ord. 7245 §3,
2014)

Section 16.32.60  Section 503.3 amended - Markings.
Section 503 is amended by amending Section 503.3 in its entirety to read as follows:
Where required by the fire code official, approved signs or other approved notices or
markings that include the words NO PARKING - FIRE LANE shall be provided for fire apparatus
access roads to identify such roads or prohibit the obstruction thereof. The means by which fire
lanes are designated shall be maintained in a clean and legible condition at all times and is
replaced or repaired when necessary to provide adequate visibility. The fire code official shall be
the only authority authorized to designate fire lanes. (Ord. 7245 §3, 2014)

Section 16.32.61  Section 503.4 amended- Obstruction of Fire Apparatus Access Roads.
Section 503 is amended by amending Section 503.4 in its entirety to read as follows:
No person shall place, store or park any object, material or vehicle in any established exit
way, driveway, gateway, alleyway, designated fire lane or any access roadway required by Section
503.4 of this Code, whether of public or private property, which could hamper the egress of
building occupants from or the ingress of Fire Department emergency vehicles to any occupied
structure. When any such obstructions are found that might, in the opinion of the fire code
official, delay or impede the egress of occupants or the ingress of Fire Department emergency
vehicles, such object, material or vehicle shall be immediately removed when so order by the fire
code official. When such obstacle is a vehicle and signs are posted indicating a fire lane or
prohibiting parking giving notice of removal and the Police Department telephone number, the
vehicle shall be immediately removed by the owner or other responsible person in charge of the
vehicle or the Police Department or Fire Department may cause its removal. The person
causing the removal of such vehicle shall comply with the requirements of Section 25001.1 and
22514 of the California Vehicle Code. A notice to appear and or parking ticket may be issued
for any vehicle, whether attended or unattended, stopped, parked or left standing contrary to the
provisions of this subsection instead of or in addition to the removal of such vehicle. (Ord.
7245 §3, 2014)

Section 16.32.62  Section 503.4.2 added – Emergency Fire Lane.
Section 503.4 is amended by adding Section 503.4.2 to read as follows:
Emergency fire lanes for temporary street closures shall have an unobstructed width of not
less than 12 feet. (Ord. 7245 §3, 2014)

Section 16.32.64  Section 503.6 amended – Security Gates.
Section 503 is amended by amending Section 503.6 in its entirety to read as follows:
The installation of security gates across a fire apparatus access road shall be approved by
the fire code official, and shall have a minimum width of 12 feet. 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. 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 F 2200. (Ord. 7245 §3, 2014)

Section 16.32.65 Section 506.1 amended - Where Required.
Section 506 is amended by amending Section 506.1 in its entirety to read as follows:
Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box and/or key switch to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. (Ord. 7245 §3, 2014; Ord. 7104 §10, 2010; Ord. 6964 §9, 2007; Ord. 6473 §3, 1999; Ord. 6262 §8, 1996: Ord. 6031 § 7, 1993; Ord. 5803 § 6, 1990; Ord. 5551 § 4, 1987)

Section 16.32.66 Section 506.3 added - Automatic Infrared Gate System.
Section 506 is amended by adding Section 506.3 to read as follows:
All new electric emergency access gates shall have installed an automatic opening infrared gate system approved by the fire official. (Ord. 7245 §3, 2014; Ord. 7104 § 11, 2010)

Section 16.32.68 Section 507.1 amended - Required Water Supply.
Section 507 is amended by amending Section 507.1 in its entirety to read as follows:
An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Public fire hydrants shall be spaced a maximum of 350 feet apart. Any such required fire hydrants shall be spaced per Appendix C.
EXCEPTION: Single family residences equipped with a residential fire sprinkler system as outlined in Section 903 shall have a public fire hydrant spaced a maximum of 500 feet apart. Fire hydrants on dead end streets or roads shall not exceed 400 feet from the end of the street or road. (Ord. 7245 §3, 2014)

Section 16.32.69 Section 507.5.1 amended – Where Required.
Section 507 is amended by amending Section 507.5.1 in its entirety to read as follows:
Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 350 feet (107 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
Exception:
1. For Group R-3 and Group U occupancies, equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement shall be not more than 600 feet (183 m). (Ord. 7245 §3, 2014)

Section 16.32.70 Section 507.5.5 amended - Clear Space Around Hydrants.
Section 507 is amended by amending Section 507.5.5 in its entirety to read as follows:
A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, fire department connections, exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved. (Ord. 7245 §3, 2014)

Section 16.32.71 Section 507.5.7 added - Hydrant Identification.
Section 507 is amended by adding Section 507.5.7 to read as follows:
Hydrant locations shall be identified by the installation of approved blue reflective markers, as required by the fire code official. (Ord. 7245 §3, 2014)
Section 16.32.72  Section 510.6.4 added – Emergency Responder Radio Coverage.
Section 510.6 is amended by adding 510.6.4 to read as follows:
In addition to Section 510, emergency responder radio coverage systems shall also comply

Section 16.32.74  Section 606.10.1.2 amended – Manual Operation.
Section 606.10.1 is amended by amending Section 606.10.1.2 in its entirety to read as follows:
When required by the fire code official, automatic crossover valves shall be capable of
manual operation. The manual valve shall be located in an approved location immediately outside
of the machinery room, in a secure metal box or equivalent and marked as Emergency Controls.
(Ord. 7245 §3, 2014)

Section 16.35.77  Section 805 added – Upholstered Furniture and Mattresses in New and
Existing Buildings.
Section 805 is adopted in its entirety. (Ord. 7245 §3, 2014)

Section 16.32.78  Section 806 added – Decorative Vegetation in New and Existing
Buildings.
Section 806 is adopted in its entirety with the exception of Section 806.1.1. (Ord. 7245 §3, 2014)

Section 16.32.79  Section 901.6.2 amended – Records.
Section 901.6.2 is amended in its entirety to read as follows:
Records of all system inspections, tests and maintenance required by the referenced
standards shall be maintained on the premises for a minimum of three years and shall be
transmitted to the fire code official by the company who performed the inspection, testing or
maintenance. The transmission shall occur in a manner to be determined by the fire code official.
(Ord. 7245 §3, 2014)

Section 16.32.80  Section 903.2 amended - Where Required.
Section 903 amended by amending Section 903.2 to read as follows:
An automatic fire extinguishing system shall be installed and maintained in operable
condition in the buildings and locations as set forth in this section.
For special provisions on hazardous chemicals, magnesium and calcium carbide, see the
Fire Code.
All New Buildings. An automatic sprinkler system shall be installed and maintained in
operable condition in all new buildings. All systems shall conform to the National Fire Protection
Association Standards 13, 13D, and 13R and the Riverside Fire Department Standards and
Policies.
EXCEPTIONS:
1. Buildings less than 1,000 square feet in floor area, other than Group R-1, Group R-2, Group R-3, and Group R-4 occupancies, unless specifically required by other provisions of the California Fire Code.
2. Private garages and carports unless specifically required by N.F.P.A. 13D or 13R.
3. Building accessory to Group R3 occupancies other than additional R-1, R-2, or R-4 occupancies.
4. Group F and S occupancies, less than 5,000 square feet in floor area, that are accessory to uses such as golf courses, tree nurseries, parks, farms, etc. Administrative and clerical office use area may not exceed 25 percent of the floor area of the major use. Additionally, the site must be zoned RE, HR, RA, RA-2, RA-5 or RC.
5. Structures that have no occupant load as determined by the Building Official.
6. Swimming pools, spas, gazebos, shade structures or other open-air structures that meet California Building Code requirements for separation.
7. Structures which do not require building permits.
8. Mausoleums, crypts, and similar structures.
9. Agricultural buildings as defined in the California Building Code, Appendix C.
10. Structures and buildings designed exclusively to shelter or protect equipment such as pump houses, substations, and similar structures.
11. Mobile homes and manufactured homes.
12. Temporary modular construction offices.
13. Group R occupancies for which a fire station development fee as set forth in Chapter 16.52 has been paid prior to March 1, 1993 or Group R occupancies situated within a community facilities district or an assessment district formed prior to March 1, 1993 when said district has agreed to pay for a proportionate share for construction of a fire station to serve the area of the district.

(c) Existing Buildings. Buildings in existence prior to March 1, 1993 or buildings for Group R, Division 3 and Group U occupancies for which plans were submitted and plan check fees paid to the City prior to March 1, 1993 shall be exempt from the requirements of this section.

EXCEPTIONS:
1. Automatic fire sprinkler systems shall be installed and maintained in the entire building whenever additions are constructed that increase floor area by more than 5000 square feet or increase in floor area greater than 50% of the existing floor area, whichever is greater.

(d) Conflict. Where in any case, there are conflicting provisions between the California Fire Code as adopted by the City and this section, the more restrictive shall govern.

(e) Standards. All automatic fire sprinkler systems required by this section shall comply with N.F.P.A. 13, 13D and 13R. (Ord. 7245 §3, 2014; Ord. 7104 §13, 2010; Ord. 7000 §5, 2008)

Section 16.32.82 Section 907.6.5.4 added - Monitoring.
Section 907.6 is amended by adding Section 907.6.5.4 to read as follows:

All new installations requiring monitoring shall be UL certificated “UUFX” listed for the life of the system or FM certificate when approved by the fire code official. (Ord. 7245 §3, 2014)

Section 16.32.84 Section 912.2.1 amended - Visible Location.
Section 912.2 is amended by amending Section 912.2.1 in its entirety to read as follows:

Fire department connections shall be located on the front access side of buildings, fully-visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official. (Ord. 7245 §3, 2014)

Section 16.32.85 Section 912.4.1 added - Building Identification.
Section 912.4. is amended by adding Section 912.4.1 to read as follows:

Fire department connections shall have signs identifying the building address, addresses or other readily distinguishable identification that the fire department connection serves, according to the Fire Department standards approved by the fire code official. (Ord. 7245 §3, 2014)

Section 16.32.86 Section 912.7 added - Fire Department Connection.
Section 912 is amended by adding Section 912.7 to read as follows:

Any fire sprinkler system with a required water flow below 750 gpm requires the fire department connection to be equipped with (2) 2-1/2 inch female swivel inlets. The threads shall be 2.5-7.5 American National Hose connections screw threads (NH). The riser to the FDC must be 4 inch in diameter.

Any fire sprinkler system with a required water flow greater than 750 gpm requires that the fire department connection be equipped with (2) 2-1/2 inch female swivel (2.5-7.5) inlets and (1) 4
inch female swivel (4-4 NH) inlet. The riser to the FDC must be 6 inches in diameter pipe. A listed check valve device shall be installed at each inlet, in addition to the clapper valve. (Ord. 7245 §3, 2014)

Section 16.32.88 Section 914.3.8 added - Fire Breathing Apparatus Air Systems.
Section 914.3 is amended by adding Section 914.3.8 to read as follows:
All buildings having floors used for human occupancy located 75 feet or more above or below the lowest level of fire department vehicular access shall be equipped with an approved breathing apparatus air refilling system. Such systems shall provide an adequate pressurized air supply through permanent piping system for the replenishment of self-contained breathing apparatus carried by fire suppression, rescue and other personnel in the performance of their duties. Location and specification of access stations, and the installation of such breathing apparatus air refilling system shall be made in accordance with the requirements and standards of the fire code official.
EXCEPTIONS: Where approved by the fire code official, a fire department equipment room sufficient in size, lighting, and equipment for firefighting or other emergency operations may be substituted.
1. The firefighter’s equipment room shall be equipped with high-rise firefighting equipment including sufficient Riverside City Fire Department standard self-contained air bottles, fire hose, nozzles, and required appliances.
2. The location, layout, and accessibility of the firefighter’s equipment room shall be approved by the fire code official.
3. The required features shall include: Integrated fire department communication system with the Fire Command Center, emergency backup lighting, work table or surface, and Key box or approved substitute with schematic building plans.
4. Firefighters Equipment and required systems shall be maintained or replaced by the building owner or property management according to manufacturers or fire department recommendations. Such equipment and systems shall be annually inspected by the building owner. (Ord. 7245 §3, 2014)

Section 16.32.90 Chapter 25 amended - Fruit and Crop Ripening.
Chapter 25 of the California Fire Code is adopted in its entirety. (Ord. 7245 §3, 2014)

Section 16.32.92 Section 4906.4 added - Designation of Very High Fire Hazard Severity Zones (VHFHS).
Section 4906 is amended by adding Section 4906.4 to read as follows:
The designation, locations, and boundaries of the VHFHS Zones in the City of Riverside are designated on the map labeled “Very High Fire Hazard Severity Zones”, located in General Plan 2025, Public Safety Element, Figure PS-7. (Ord. 7245 §3, 2014)

Section 16.32.95 Section 5601.2 added - Manufacturing.
Section 5601 is amended by adding Section 5601.2 to read as follows:
The manufacture of explosives shall be prohibited within all areas and zones of the City. (Ord. 7245 §3, 2014; Ord. 7000 §1, 2008; Ord. 6964 §14, 2007; Ord. 6262 §16, 1996; Ord. 6031 §15, 1993; Ord. 5803 §11, 1990; Ord. 4854 §12, 1980; Ord. 4589 §1 (part), 1978; Ord. 4147 §1 (part), 1974)

Section 16.32.98 Section 5601.3 added - Limits Established by Law.
Section 5601 is amended by adding Section 5601.3 to read as follows:
The storage of explosives is prohibited within all areas and zones of the City.
EXCEPTIONS:
1. Smokeless gunpowder, small arms primers and black sporting powder may be
stored as set forth in the California Fire Code and Title 19 CCR.

2. Temporary storage for use in connection with approved blasting operations may be permitted.

3. Wholesale and retail stocks of small arms ammunition, explosive bolts and explosive rivets or cartridges for explosive-actuated power tools, when in quantities involving less than 500 pounds of explosive material, may be permitted. (Ord. 7245 §3, 2014)

Section 16.32.100  Section 5608 amended - Fireworks.

Section 5608 is amended by adding Section 5608.2 to read as follows:

The manufacturing, possession, storage, sale, use and handling of fireworks is prohibited.

EXCEPTIONS:

1. Manufacturing of fireworks in accordance with Title 19 of the California Code of Regulations, when allowed by the fire code official under special permits when not otherwise prohibited by applicable local or state laws, ordinances and regulations.

2. Storage of fireworks in accordance with the requirements for low explosives in Title 19 of the California Code of Regulations when allowed by the fire code official under special permits when not otherwise prohibited by applicable local or state laws, ordinances and regulations.

3. Storage of fireworks. 1.4G in accordance with the Building Code.

4. Sale of fireworks when allowed by the fire code official under special permits when not otherwise prohibited by applicable local or state laws, ordinances and regulations.

5. Use and handling of fireworks for display in accordance with Title 19 of the California Code of Regulations. (Ord. 7245 §3, 2014; Ord. 7104 §15, 2010; Ord. 7000 §1, 2008; Ord. 6964 §15, 2007)

Section 16.32.150  Appendix B Section B105.2.1 added – Reduction of Required Fire-Flow.

Appendix B Section B105.2 is amended by adding Appendix B Section B105.2.1 to read as follows:

A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1. (Ord. 7245 §3, 2014)

Section 16.32.160  Finding and Declaration.

As required by the Health and Safety Code of the State of California, the City Council finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions and are consistent with a comprehensive fire prevention program for the City. (Ord. 7245 §3, 2014)

Section 16.32.170  Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this chapter and each section or subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, clauses or phrases be declared invalid. (Ord. 7245 §3, 2014)

Section 16.32.175  Hazardous Materials Clean-up Cost Recovery.

A. The City is authorized to perform various functions that relate to identification, cleanup and abatement of hazardous substances and wastes unlawfully released, discharged, or deposited upon or into any property or facility within the City and to perform certain protective activities such as evacuation. However, the authority to recover costs under this section shall not
include fire extinguishment and medical aid services which are normally or usually provided by the Fire Department. The following described persons shall be jointly and severally liable to the City for the payment of all costs incurred by the City as a result of such identification, clean up and abatement activity.

1. The person or persons whose negligent or willful act or omission proximately caused such release, discharge or deposit; and

2. The person or persons who owned or had custody or control of the hazardous substance or waste at the time of such release, discharge, or deposit, without regard to fault or proximate cause; and

3. The person or persons who owned or had custody or control of the container which held such hazardous waste or substance at the time of or immediately prior to such release, discharge or deposit, without regard to fault or proximate cause.

B. In the event that any person undertakes, either voluntarily or upon order of the Fire Chief or other City official, to clean up or abate the effects of any hazardous substance or waste unlawfully released, discharged or deposited upon or into any property or facilities within the City, the Fire Chief may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in subsection A shall be liable to the City for all costs incurred as a result of such supervision or verification.

C. For purposes of this section, "hazardous substance" and "hazardous waste" shall be as defined as in Section 5001 of the California Fire Code as that section may be amended.

D. For purposes of this section, costs incurred by the City shall include, but shall not necessarily be limited to, the following: actual labor costs of City personnel, including benefits and administrative overhead; cost of equipment operation, cost of materials obtained directly by the City; and cost of any contract labor and materials.

E. The remedies provided by this section shall be in addition to any other remedies provided by law. (Ord. 7245 §3, 2014; Ord. 6964 §18, 2007; Ord. 5910 §3, 1991)