

ORDINANCE NO. 2025-14

AN ORDINANCE TO REPEAL AND REPLACE SECTION 8.20.010 OF THE VISALIA MUNICIPAL CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA;

Section 1. Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution and its Charter, the City of Visalia is authorized to secure and promote the public health, comfort, safety and welfare of its citizenry. It is the intent of this ordinance that the City of Visalia adopt the *California Fire Code*, Title 24, California Code of Regulations, Part 9, 2025 Edition, together with the Appendices thereto, and the California Fire Code Standards referenced therein, published by the International Code Council and hereby referred to, adopted as the Fire Code of the City of Visalia. This section shall hereinafter be referred to as the “California Fire Code”, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Visalia; providing for the issuance of permits and collection of fees therefor.

Section 2. Section 8.20.010 through 8.20.120 is hereby repealed and replaced as follows:

8.20.010 Adoption of the 2019 California Fire Code

- A. There is adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain document, not less than one copy is filed in the office of the Fire Department and one in the office of the Building Division of City of Visalia, being marked and designated as the *California Fire Code*, 2025 edition published by the International Code Council, including sections 104.4 Right of Entry, 111.1 Authority to disconnect service utilities, 112 Means of Appeals, 311 Vacant Premises, 503 Fire Apparatus Access Roads and Appendix Chapters D (Fire Apparatus Access Roads as amended by section L), I (Fire Protection Systems- Noncompliant Conditions), N (Indoor Trade Shows and Exhibitions) and P (Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses), as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Visalia, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Visalia are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed this section 8.20.010.
- B. All further references shall be to the 2025 California Fire Code, in Subsection 101.1 of the, the term “City of Visalia” shall be inserted.
- C. Subsection 104.4.1.1. Warrant cost recovery, is added to read as follows:
- 104.4.1.1 Warrant cost recovery. Cost to the City of Visalia for obtaining and executing an Inspection Warrant is the responsibility of the property owner and steps to recover the costs will be taken, up to and including a lien against the property. Recovery costs may include staff time, legal fees, and court fees.

D. Subsection 113.4 Change: Violation penalties, is amended to read as follows:

113.4 Violations 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 a permit or certificate used under provision of this code, shall be guilty of a misdemeanor, infraction or both, alternatively violations may be subject to an administrative fine or penalty. Penalties shall be as prescribed in local Ordinance Section 1.12.010. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E. Subsection 113.4.2 Cost of abatement, is added to read as follows:

113.4.2 Cost of abatement. Cost of abatement is the responsibility of the property owner and steps to recover the costs will be taken, up to and including a lien against the property. Property owners shall be notified of any action taken as soon as possible. Recovery costs may include staff time, contractor's costs, legal fees and any and all cost associated with the abatement.

F. Subsection 114.4 Change: Failure to comply, is amended to read as follows:

114.4 Failure to Comply. 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 prescribed in local Ordinance Section 1.12.010.

G. Subsection 108.7 Added: Visalia Fire Department Fee Schedule, is added to read as follows:

108.7 Visalia Fire Department Fee Schedule. The Fire Chief may establish a schedule of fees, as approved by the City Council, to be charged and collected for plan checking, required inspection services, and for the issuance of permits pursuant to Section 105 of this Code. In addition, this schedule may include a fire service Cost Recovery fee to be charged to any person, firm, corporation or business that through negligence, violation of the law or as a result of carelessness is responsible for the cause of any fire service response to the scene of such an incident. A copy of the fee schedule shall be kept in the office of the City Clerk and the Office of the Fire Department and shall be available for public inspection.

H. Subsection 105.5.36 Exception, is amended to read as follows:

105.5.36 Exception: Recreational Fires, see Visalia Municipal Code Ordinance, Open Burning, Section 8.44.010.

I. Subsection 904.4.7 shall be added to read as follows:

904.4.7 Tamper Protection. All exterior risers, drain/test valves and backflow devices shall be protected from unauthorized tampering by approved means. Protection method shall be indicated on building plans.

J. Subsection 912.2.3 and 912.2.3.1 Buildings provided with a fire sprinkler system, is added to read as follows:

912.2.3 Buildings provided with a fire sprinkler system. Any newly constructed building provided with a NFPA 13 or NFPA 13R fire sprinkler system shall provide a fire hydrant within fifty (50) feet of the fire department connection. Where an existing building is

retrofitted with a NFPA 13 or NFPA 13R fire sprinkler system a fire hydrant shall be provided within seventy-five (75) feet of the fire department connection.

912.2.3.1 An additional twenty-five (25) feet of distance between a fire hydrant and the fire department connection (FDC) may be granted by the Fire Marshal when a fire sprinkler system density is designed with an additional 25%.

Exceptions: The additional twenty-five (25) feet of distance between a fire hydrant and the fire department connection (FDC) shall not be permitted for Pipe scheduled and ESFR sprinkler systems.

K. Section D106 where required, "apparatus access roads" shall be available to local traffic at all times.

L. Section D106.1 (Exception) shall be deleted in its entirety.

M. Subsection D107.1 Shall read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- two family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved access roads that are available to local traffic at all times.

N. Subsection D107.1, Exception 1. shall be deleted in its entirety.

8.20.020 Establishment authority and responsibilities.

- A. The fire marshal under the authority of the fire chief is hereby authorized to enforce the provisions of the California Fire Code and shall have the authority to render interpretations of the code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of the code and shall not have the effect of waiving requirements specifically provided for in the code.
- B. The fire marshal may authorize fire inspectors and other members of the fire department as deemed necessary to enforce the provisions of the fire code.

8.20.030 Definitions.

Fire Code Official. Whenever the term "fire code official" is used in the California Fire Code, it means fire marshal of the fire department.

Municipality. Whenever the term "municipality" is used in the California Fire Code, it means the City of Visalia.

8.20.040 Establishment of limits of storage of flammable liquids in outside aboveground tanks and bulk storage of liquefied petroleum gases.

The limits referring to storage of flammable liquids in outside aboveground tanks and bulk storage of liquefied petroleum gases in the California Fire Code is to be restricted shall be regulated by the city zoning ordinance. Where the zoning ordinance is silent about the permitted or conditional use the omission shall be considered prima facie evidence of clear intent to prohibit the act.

8.20.050 Modifications.

Where there are practical difficulties involved in carrying out the provisions of this code, the fire marshal shall have the authority to grant modifications for individual cases, provided the fire

marshal shall first find that special individual reason makes the strict letter of the code impractical and the modification is in compliance with the intent and purpose of the code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

8.20.060 Alternative materials and methods.

The fire marshal shall have power to approve alternative materials and methods where he or she finds that the proposed design is satisfactory and complies with the intent of the provisions of the California Fire Code. Where the alternative material, design or method of construction is not approved, the fire marshal shall respond in writing, stating the reasons why the alternative was not approved.

8.20.070 Appeals.

Whenever the fire marshal and or chief of the fire department disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the fire marshal and or chief of the fire department to the board of appeals as established by California Fire Code section 112 within thirty (30) days from the date of the decision.

8.20.080 New materials, processes or occupancies which may require permits.

- A. The city manager, the chief of the fire department, fire marshal and the chief building official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancy, which shall require permits, in addition to those now enumerated in said code.
- B. The fire chief shall post such list in conspicuous place in his/her office and distribute copies thereof to interested persons. (Prior code § 4408)

8.20.090 Capacity of tank trucks.

The capacity of compartments of tank trucks used in the delivery of Class I flammable liquids in retail lots and for retail purposes within the city shall be limited to one thousand two hundred (1,200) gallons. (Prior code § 4450)

8.20.100 Special permits.

The chief of the fire department may, at his discretion, issue special permits for the entrance into the city of tank trucks of greater than one thousand two hundred (1,200) gallon compartment capacity for the purpose of making delivery of Class I flammable liquids to retail distribution stations, but not otherwise; provided, such permits shall be restricted to deliveries at locations where unusual hazards will not be created by such larger capacity trucks; provided, that no such tank trucks, carrying Class I flammable liquid, shall be parked or left unattended on any street, highway, avenue or alley of the city. (Prior code § 4451)

8.20.110 Penalties.

Any person who shall violate any of the provisions of the code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the city attorney

or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction as determined by the city attorney, and shall be assessed administrative penalties pursuant to the provisions of Chapter 1.13 of the Visalia Municipal Code. These penalties may accrue and each day the property is not in compliance shall be considered another violation.

Section 3. Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution and its Charter, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. Pursuant to Health and Safety Code, sections 17958.7 & 18941.5 because of local climatic, topographical or geological conditions the City of Visalia hereby affirms that the following appendices and code section amendments to the 2025 California Fire Code are necessary. It is noted that these appendices and code section amendments are referenced above in Section 1, but are also referenced below to clarify that they have been found to be necessary:

- A. The following appendices and code sections are adopted by reference as necessary due to the local climatic, topographical, or geologic conditions:

California Fire Code, 2025 edition published by the International Code Council, including sections 104.4 Right of Entry, 111.1 Authority to disconnect service utilities, 311 Vacant Premises, 503 Fire Apparatus Access Roads and Appendix Chapters D (Fire Apparatus Access Roads as amended by section L), I (Fire Protection Systems- Noncompliant Conditions), N (Indoor Trade Shows and Exhibitions) and P (Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses), as published by the International Code Council.

- B. The City of Visalia has found the following concerning local climactic conditions, specifically extreme temperatures:

- As documented in the Visalia General Plan Visalia is characterized as having an “inland Mediterranean” climate. High temperatures are also contributors to ozone formation, and summer high temperatures often exceed 100°F with an all-time high of 115°F averaging 275 sunny days per year. Climate models predict a 4°F temperature increase in the next 20 to 40 years, with an increase in the number of long dry spells (Visalia: 2010). Data shows that during the months of July and August, Visalia's daily high temperature has averaged in excess of 94°F as compared to San Francisco with an average of 67°F and San Diego having an average of 74°F.
- During the winter months Visalia experiences extended periods of cold weather. During the months of December and January the average low temperature is 38°F with an all-time low of 13°F, compared to San Francisco with a low of 47°F and San Diego with a low of 49°F. Though Health & Safety Code § 17958.7 does not require the local conditions to be unique to a particular jurisdiction, the aforementioned temperatures experienced in Visalia are extreme as compared to temperatures experienced in other parts of California.
- The Heat Stress Index published by the Federal Emergency Management Agency in its publication entitled Emergency Incident Rehabilitation sets forth the stress placed on the human body when exposed to various temperatures and humidity. A note under the Heat Stress Chart states that 10 degrees should be added to the temperature when protective clothing is worn and an additional 10 degrees should be added when the person is standing in direct sunlight. According to this chart, a person exposed to temperatures between 90 and 105 degrees is subject to heat cramps and heat exhaustion if exposure to these temperatures is prolonged and there is physical activity. A person exposed to temperatures of 105 to 130 degrees is likely to experience heat cramps and heat exhaustion. Furthermore, heat stroke is possible if exposure is prolonged and there is physical activity. A person exposed to

temperatures above 130 degrees or greater faces a high risk of suffering from heat stroke (USFA: July 2008).

- Because of the extreme heat Visalia experiences during the summer months, Visalia Fire Fighters responding to fires and other incidents requiring the evacuation of a building are regularly exposed to temperatures in excess of 105 degrees. High temperatures and protective gear exposes fire personal to the probability of heat cramps, heat exhaustion and possibly heat stroke.

C. In addition, the City of Visalia makes the following findings concerning local geological conditions, specifically water supply and water pressure:

- The Visalia area is an arid area that receives an average of 11 inches of precipitation per year occurring primarily in the winter months. Furthermore, The Visalia City Area relies completely on groundwater for its water supply using approximately 28,834 acre feet in 2019.
- Due to the hot, dry summers in the Visalia area, domestic water demand can substantially reduce the ability of the public water system to dependably meet the large fire flow demand requirements in many areas of the city. According to the City of Visalia's General Plan "Public safety should be a top priority for the use of water."

D. As documented below the City of Visalia makes the following findings concerning local climatic/topographical conditions, specifically air quality caused by the topography of the San Joaquin Valley air basin, number of sunny days, and inversions that form during winter months:

- As a result of the San Joaquin Valley's climate and topography, the San Joaquin Valley Air Basin (SJVAP) is predisposed to poor air quality. High mountain ranges surrounding the Valley frequently create air layer inversions that prevent mixing of air masses. The large number of sunny days per year, and high temperatures in the summer favors the formation of ozone. In the winter, inversions form that often trap particulate matter
- The Federal Environmental Protection Agency and the California Air Resources Board have classified the San Joaquin Valley Air Basin as severe non-attainment for ozone and serious non-attainment (federal) non-attainment (state) for PM10. Ozone is formed by a complex series of chemical reactions between reactive organic gases (ROG), oxides of nitrogen and sunlight. PM10 is suspended particulate matter that is less than 10 microns in size. Given its small size, PM10 can remain airborne for long periods and can be inhaled, pass through the respiratory system, and lodge in the lungs. In general, nonattainment means that the federal standard has been exceeded more than twice per year.
- Smoke is composed primarily of carbon dioxide, water vapor, carbon monoxide, particulate matter, hydrocarbons and other organic chemicals, nitrogen oxides, trace minerals and several thousand other compounds. Particulate matter is the principal pollutant of concern from some for the relatively short-term exposures (hours to weeks) typically experienced by the public. Particulate matter in wood smoke has a size range near the wavelength of visible light (.4-.7 micrometers) because these particles can be inhaled into the deepest recesses of the lungs, they are thought to represent a greater health concern than larger particles. Another pollutant of concern during some events is carbon monoxide (Wildfire smoke 2001). the San Joaquin Valley Air Pollution Control District states "Emissions from burning include fine particulate, hydrocarbons, oxides of nitrogen, oxides of sulfur, carbon monoxide, and toxic air contaminants that contribute to our air quality problems.

E. City makes the following findings concerning local topographical conditions, specifically the City of Visalia's development pattern:

- Due to the relatively low-density growth pattern in the Visalia area, likely due to the large amounts of agricultural business that contribute heavily to the local economy and the agricultural uses surround the community, its 6 fire stations are spaced approximately 3.4 miles apart resulting in an average of a 1.7 mile running distance for the designated first-in engine company.
- This average 1.7-mile travel distance increases the response time to fires which result in an increase in the size and intensity of fires. Fires have the potential to require the response of all on-duty personnel in the City of Visalia, which depletes all available resources. This leaves the city dependent on off-duty personnel and outside agencies to cover the city.

F. The appendices and modifications to the California Fire Code by the City of Visalia are reasonably necessary because of the above described local climatic, geological, and topographical conditions. These appendices and sections are intended to reduce the incidence of fires in the City of Visalia; to provide for a safer community that is less prone to accidents and the need for emergency services; and to provide for specific building conditions applicable to the City of Visalia since it is a community with a considerable agricultural economic base and surrounded by agricultural uses. For reference the following documents support the findings concerning the local conditions cited above:

- Visalia general plan update: existing conditions report. (2010). Environmental resources and hazards. (ch.8)
- Visalia general plan update: (2014)
- Historical Temperature Data: <https://www.weatherbase.com>
- U.S. Fire Administration. (July 2008). Emergency incident rehabilitation. (FEMA fa-314). Washington, DC: U.S. Government Printing Office.
- Wildfire Smoke – A Guide for Public Health Officials (2001) Published by the Washington State Department of Health, p. 3.
- California Water Service, Visalia Division

G. It is further noted that the changes or modifications identified in this ordinance are substantially equivalent to changes or modifications that were previously filed by the City of Visalia and that were in effect as of September 30, 2025, and are necessary as emergency standards to protect health and safety.

Section 4. That all City of Visalia Ordinances with the term “Uniform Fire Code” shall change to “2022 California Fire Code” and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Visalia hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 5 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days after final passage and adoptions but not earlier than January 1, 2020.

Section 7. That the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED AND ADOPTED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM
BY CITY ATTORNEY:

City Attorney