

**MENLO PARK FIRE PROTECTION DISTRICT
ORDINANCE NO. 36B-2013 AMENDING ORDINANCE NO. 36A-2013
DISTRICT FIRE PREVENTION CODE
ADOPTING THE 2012 INTERNATIONAL FIRE CODE WITH CALIFORNIA AND
LOCAL AMENDMENTS FOR THE CITY OF MENLO PARK AND DECLARING THIS
MEASURE AN URGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY**

This Ordinance was introduced and was adopted after the holding of a public hearing pursuant to California Health and Safety Code Section 13869.7 and California Government Code Section 50022.3.

WHEREAS, pursuant to Title 24 of the California Code of Regulations, also known as the California Building Standards Code (“CBSC”) and California Health and Safety Code Section 13869 *et seq.*, a fire protection district may adopt a fire prevention code by reference and may also, when reasonably necessary due to local climatic, geological or topographical conditions, establish more stringent local building standards relating to fire and panic safety than those set forth in the CBSC; and

WHEREAS, on September 17, 2013, the Menlo Park Fire Protection District (“District”) adopted Ordinance No. 36-2013, a new amended and restated District Fire Prevention Code (the “Code”) that made local amendments to the 2013 California Fire Code; and

WHEREAS, Ordinance No. 36-2013 was ratified by the City of East Palo Alto, the Town of Atherton, and the County of San Mateo. However, the Ordinance was not ratified by the City of Menlo Park; and

WHEREAS, on November 18, 2014, the Board of Directors unanimously approved Ordinance No. 36A-2013 adopting the 2012 International Fire Code with necessary California amendments for the City of Menlo Park; and

WHEREAS, the District now desires to amend Section 903.6.1.1 of Ordinance No. 36A-2013 addressing automatic sprinklers and the City of Menlo Park intends to ratify the amended Ordinance at its January 27, 2015 council meeting; and

WHEREAS, without adoption of this Ordinance and ratification by the City of Menlo Park, the District is unable to enforce local amendments to the Fire Code and can only enforce preexisting ordinances and those portions of the State Fire Code that were adopted by the State Fire Marshal; and

WHEREAS, Health and Safety Code Section 13860 and Government Code Section 25123 allow passage of Urgency Ordinances for the immediate preservation of the public peace, health, or safety.

NOW, THEREFORE, the Board of Directors of the Menlo Park Fire Protection District ordains as follows:

Section 1: AMENDMENTS

Section 903.6.1.1 of Ordinance No. 36A-2013 is amended to read in its entirety as follows:

903.6.1.1 Where Required. All existing buildings and structures, regardless of type of occupancy or area, shall be provided with an automatic fire sprinkler system when any of the following conditions occur:

(A) Where the *gross floor area* of a proposed alteration, addition, or combination of alterations and additions and the *gross floor area* of any alterations, additions, or combination of alterations and additions, that have been undertaken in a five (5) year time period starting from January 1, 2015 that exceeds 75% of the existing *gross floor area* of the building.

Exception: Buildings or structures less than 1,000 square feet.

(B) When a change in occupancy classification, as defined within the Building Code, results in an increased fire hazard or risk due to business operations and/or number of occupants permitted in the building.

(C) When an existing occupancy constructs a basement that is 250 square feet or larger, a fire sprinkler system shall be provided throughout the basement and the rest of the building or structure.

Exception: For the Town of Atherton, when an existing occupancy constructs a basement of any size an automatic fire sprinkler system shall be provided throughout the basement and the rest of the building or structure.

Section 2: SEVERABILITY

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Directors of the Menlo Park Fire Protection District hereby declares that it would have adopted this Ordinance and each section, subsection sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

Section 3: DATE OF EFFECT

This Ordinance is an urgency measure and shall become effective immediately upon adoption for the preservation of public peace, health, and safety, if adopted by at least a four-fifths vote of the Board of Directors.

Section 4: PUBLIC POSTING

This Ordinance shall be posted at the following three public places (1) Front Door of the Menlo Park Fire Protection District; (2) Bulletin Board in Front of the Classroom at the Menlo Park Fire Protection District; and (3) Menlo Park Fire Protection District Website, and published pursuant to law.

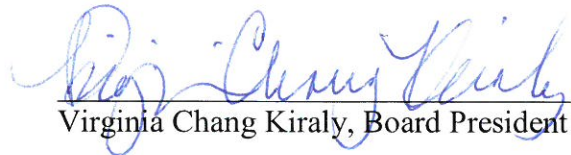
PASSED AND ADOPTED as an Urgency Ordinance of the Menlo Park Fire Protection District at a regular meeting thereof held on the 20th day of January, 2015.

AYES: KIRALY, SILANO, IANSON, AND BERNSTEIN

NOES: CARPENTER

ABSENT: NONE

ABSTAIN: NONE


Virginia Chang Kiraly, Board President

ATTEST:



Michelle Radcliffe, Clerk of the Board