

# **STAFF REPORT**

## *City Council Consent Item*

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**DATE:** February 6, 2023

**TO:** Honorable Mayor and Council Members

**FROM:** Liz Shorey, Deputy Director of Community Development

**THROUGH:** Merritt Perry, City Manager

**SUBJECT: Ratify the Fortuna Fire Protection District's Ordinance No. 2022/2023-1 Adopting the 2022 California Fire Code, Title 24, Part 9, Based on the 2021 International Fire Code**

### **STAFF RECOMMENDATION:**

Adopt *Resolution 2023-02* (Exhibit A), a Resolution of the City Council of the City of Fortuna Ratifying the Fortuna Fire Protection District's Ordinance No. 2022/2023-1 Adopting the 2022 California Fire Code, Title 24, Part 9, Based on the 2021 International Fire Code.

### **INTRODUCTION:**

On January 9, 2023, the Fortuna Fire Protection District (FFPD) passed its ordinance No. 2022/2023-1 adopting the California Fire Code and the International Fire Code Standards. The Fire Codes prescribing regulations governing conditions hazardous to life and property from fire and explosion, providing for the issuance of permits for hazardous uses or operations, establishing a fire prevention bureau and providing officers thereof and defining their powers and duties. A copy of the FFPD's ordinance is attached as Exhibit A to the Council Resolution, along with the FFPD's resolution of findings, No. 2022/2023-4 (Exhibit B to the Council Resolution), stating the facts and findings in support of the Fire District's local amendments resulting from local climatic, geographical, and topographical conditions.

### **DISCUSSION:**

The Fire Code is enforced by the Fortuna Fire Protection District. However, in order for the new Fire Code to be enforceable within the City of Fortuna, State law requires the City Council to ratify the FFPD action (Health and Safety Code Sec. 13869.7)). The Fire Code has been adopted independently by the Fortuna City Council by ordinance, but this separate ratification applies to the Fire District's ability to serve within the City boundaries as well. In order for the city of Fortuna to be brought within the regulatory effect of the FFPD Ordinance no. 2022/2023-1, state law requires the City Council to ratify the FFPD action (Health & Safety Code No. 13869.7(c)).

The FFPD Ordinance will not become effective until ratified by the City Council, and thereafter forwarded to the California Department of Housing and Community Development. *Resolution 2023-XX*, if adopted by the Council, would ratify the FFPD's action and direct the City Clerk to forward the resolution to the California Department of Housing and Community Development.

**ENVIRONMENTAL REVIEW:**

This action to ratify the Fire Protection District’s adoption of the Fire Code is exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to section 15061(b)(3) of the CEQA guidelines.

**FINANCIAL IMPACT:**

There is no fiscal impact to the City resulting from ratifying the Fire District’s ordinance adoption.

**RECOMMENDED COUNCIL ACTION:**

Adopt *Resolution 2023-02*. Consent agenda vote.

**ATTACHMENTS:**

- “Exhibit A” *Resolution 2023-02, a Resolution of the City Council of the City of Fortuna Ratifying the Fortuna Fire Protection District’s Ordinance No. 2022/2023-1 Adopting the 2022 California Fire Code, Title 24, Part 9, Based on the 2021 International Fire Code.*
- “Exhibit B” – FFPD Ordinance No. 2022/2023-1
- “Exhibit C” – FFPD Resolution No. 2022/2023-4

**Exhibit A**

**RESOLUTION 2023-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA RATIFYING THE FORTUNA FIRE PROTECTION DISTRICT'S ORDINANCE NO. 2022/2023-1 ADOPTING THE 2022 CALIFORNIA FIRE CODE, TITLE 24, PART 9, BASED ON THE 2021 INTERNATIONAL FIRE CODE**

**WHEREAS**, on January 9, 2023 the Fortuna Fire Protection District (FFPD) enacted its ordinance No. 2022/2023-1 adopting the California Fire Code and the International Fire Code Standards prescribing regulations governing conditions hazardous to life and property from fire and explosion, providing for the issuance of permits for hazardous uses or operations, establishing a fire prevention bureau and providing officers thereof and defining their powers and duties; and

**WHEREAS**, on January 9, 2023 the FFPD adopted statutorily required findings in support of Ordinance No. 2022/2023-1; and

**WHEREAS**, in order for the Fire Code Regulations to become effective within the City of Fortuna, state law requires the City Council ratify the FFPD action adopting its Ordinance and Resolution and thereafter forward said ratification to the California Department of Housing and Community Development.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fortuna hereby approves and adopts the following:

1. The City Council of the City of Fortuna hereby ratifies the Fortuna Fire Protection District's Ordinance No. 2022/2023-1 adopting the California Fire Code and International Fire Code Standards prescribing regulations governing conditions hazardous to life and property from fire and explosion, providing for the issuance of permits for hazardous uses or operations, establishing a fire prevention bureau and providing officers thereof and defining their powers and duties, a copy of which is attached hereto as Exhibit B and incorporated herein.
2. The City Council of the City of Fortuna hereby ratifies the express findings made by the FFPD, as required by state law, in support of Ordinance No. 2022/2023-1 as stated in FFPD Resolution No. 2022/2023-4, a copy of which is attached hereto as Exhibit C and incorporated herein.
3. The City Council of the City of Fortuna hereby directs the City staff to forward a copy of this Resolution, with attachments, to the California Department of Housing and Community Development.

**PASSED AND ADOPTED** by the Fortuna City Council on this 6th day of February 2023 by the following vote:

AYES:

NOES:

ABSENT:  
ABSTAIN:

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Tami Trent, Mayor

*Attest:*

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Siana L. Emmons, City Clerk