

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE I,
AND CHAPTER 15, ARTICLE II, OF THE MOUNTAIN VIEW CITY CODE,
RELATING TO ON-DEMAND MOBILE FUELING

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN:

Section 1. On November 22, 2016, the City of Mountain View adopted the 2015 International Fire Code, incorporating by reference amendments adopted by the State of California to establish the 2016 California Fire Code, and as locally amended by the City of Mountain View.

Section 2. The City of Mountain View has local conditions which require further amendments to the International Fire Code to add regulations for on-demand mobile fueling, an emerging service industry. In recognition of this emerging industry, fire code regulations were recently approved at the 2016 International Code Hearings for inclusion in the 2018 International Fire Code. The regulations provide technical and administrative safety controls to allow on-demand mobile fuel dispensing into motor vehicles.

Section 3. Council Findings. The City of Mountain View is geographically located in the most severe seismic zone, Seismic Zone 4, and situated near active earthquake faults capable of producing substantial seismic activity. Since the City of Mountain View is divided by major freeways and other transportation corridors, the occurrence of a major earthquake would significantly impact the ability of Fire Department personnel to respond to emergencies should one or more overpasses be substantially damaged or collapsed. Additionally, fire suppression capabilities could be severely limited should the water system be extensively damaged during a seismic event. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials, and other safeguards in an effort to minimize the risks to citizens, property, and fire suppression personnel.

Section 4. Regulating on-demand mobile fueling of vehicles is necessary based on the environmental risk and highly volatile nature of gasoline to protect the environment, and public health, safety, and welfare of the citizens of Mountain View. Regulations will help mitigate potential fire, life safety, and environmental accidents that could result from mobile fueling in densely populated industrial and commercial business areas.

Section 5. Article I, Section 14.10.9 of Chapter 14 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 14.10.9. Section 105.6.17 amended—Permits; Flammable and combustible liquids.”

Section 105.6.17 of the International Fire Code is amended to read as follows:

“105.6.17. Flammable and combustible liquids. An operational permit is required:

1. To store, handle or use flammable or combustible liquids in any quantity in aboveground or belowground storage tanks.
2. To engage in on-demand mobile fueling operations in accordance with Section 5707.
3. To utilize a site for on-demand mobile fueling operations in accordance with Section 5707.”

Section 6. Article I, Section 14.10.12 of Chapter 14 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 14.10.12. Section 113.6 amended – Fees; Local fees.

113.6. Local fees.

1. The fees for the primary inspection, first reinspection and any inspection thereafter shall be established by council resolution.
2. The fees for special inspections of temporary installations/events shall be established by council resolution. These shall include, but not be limited to: fireworks displays, pyrotechnic displays, temporary membrane structures (tents, canopies); carnivals, parades, fairs, haunted houses, Christmas tree lots, pumpkin patches.
3. The fees for fire permits, as described in Chapter 1, Section 105 of the International Fire Code as locally amended, shall be established by council resolution.
4. Late fees (paid after permit expiration date) for fire permits, as described in Chapter 1, Section 105 of the International Fire Code as locally amended, shall be established by council resolution.
5. Maintenance fees for fire protection, extinguishing systems or public safety communication systems shall be established by council resolution. These shall include, but not be limited to: fire alarm systems, sprinkler systems, standpipe systems, hood and duct systems, private fire hydrants, emergency responder radio systems (DAS) or other similar systems.
6. The fee for preventable false fire alarms shall be established by council resolution.

7. The fee for plan review shall be established by council resolution.”

Section 7. Article I, Section 14.10.41 of Chapter 14 of the Mountain View City Code is hereby added to read as follows:

“SEC. 14.10.41 Section 5707 added- On-demand mobile fueling.”

Section 5707 is added to read as follows:

“5707 – On-Demand Mobile Fueling

5707.1. General. On-demand mobile fueling operations that dispense Class I, II, and III liquids into the fuel tanks of motor vehicles shall comply with Sections 5707.1 through 5707.7.

Exception: Fueling from an approved portable container in cases of an emergency or for personal use.

5707.1.1 Approval required. Mobile fueling operations shall not be conducted without first obtaining a permit and approval from the fire code official. Mobile fueling operations shall occur only at approved and permitted locations.

5707.2 Mobile fueling vehicle. An on-demand mobile fueling vehicle shall be one of the following:

1. A tank vehicle complying with NFPA 385 that has chassis-mounted tanks or containers where the aggregate cargo capacity does not exceed 1,200 gallons (4,542 L).
2. A vehicle with one or more chassis-mounted tanks or containers that do not exceed 110 gallons (415 L) individual capacity and having an aggregate capacity that does not exceed 1,200 gallons (4,542 L).
3. A vehicle that carries a maximum of 60 gallons (227 L) of motor fuel in metal safety cans listed in accordance with UL 30 or other approved metal containers each not to exceed 5 gallons (19 L) in capacity.

The mobile fueling vehicle shall comply with all local, state and federal requirements.

Mobile fueling vehicles with a chassis-mounted tank in excess of 110 gallons (415 L) shall comply with the requirements of Section 5706.6, Section 5707, and NFPA 385.

The mobile fueling vehicle and its equipment shall be maintained in good repair.

Safety cans and approved metal containers shall be secured to the mobile fueling vehicle except when in use.

5707.3 Required documents. Documents developed to comply with Sections 5707.3.1 through 5707.3.3 shall be updated as necessary by the owner of the mobile fueling operation and shall be maintained in compliance with Section 107.3.

5707.3.1 Safety and emergency response plan. Mobile fueling operators shall have an approved written safety and emergency response plan that establishes policies and procedures for fire safety, spill prevention and control, personnel training and compliance with other applicable requirements of this code.

5707.3.2 Training records. Operators shall maintain training records. Mobile fueling vehicle operators shall possess evidence of training on proper fueling procedures and the safety and emergency response 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 or function; all uses adjacent to the lot lines of the site; proposed fueling location(s), the locations of all storm drain openings and/or on-site stormwater treatment systems/ areas, and adjacent waterways or wetlands; information regarding slope, natural drainage, curbing, impounding and how a spill will be retained upon the site property; and the scale of the site plan.

5707.4 Mobile fueling areas. Mobile fueling shall not occur on public streets, public ways, or inside buildings. Fueling on the roof level of parking structures or other buildings is prohibited.

5707.4.1 Separation. Mobile fueling shall not take place within 25 feet (7,620 mm) of buildings, property lines, or combustible storage.

Exception: The fire code official shall be authorized to decrease the separation distance for dispensing from metal safety cans or other approved metal containers in accordance with Section 5707.2 (3).

5707.4.1.1 Protection of stormwater inlets and/or on-site stormwater treatment systems. When dispensing operations occur within 15 feet (4,572 mm) of a storm drain and/or on-site stormwater treatment system/area an approved storm drain cover or an approved equivalent method that will prevent any fuel from reaching the drain or on-site stormwater treatment system/area shall be used.

5707.4.2 Sources of ignition. Smoking, open flames, and other sources of ignition shall be prohibited within 25 feet (7,620 mm) of fuel-dispensing activities. Signs prohibiting smoking or open flames within 25 feet (7,620 mm) of the vehicle and the point of fueling shall be prominently posted on the mobile fueling vehicle. The engines of vehicles being fueled shall be shut off during fueling.

5707.5 Equipment. Mobile fueling equipment shall comply with Sections 5707.5.1 through 5707.5.5.

5707.5.1 Dispensing hoses and nozzles. Where equipped, the dispensing hose shall not exceed 50 feet (15 240 mm) in length. The dispensing nozzles, hoses and appurtenances shall be of an approved and listed type.

5707.5.2 Breakaway device. A listed breakaway device shall be provided at the nozzle.

Exception: Mobile fueling vehicles equipped with an approved brake interlock tied to the nozzle holder that prohibits movement of the mobile fueling vehicle when the nozzle is removed from its holder.

5707.5.3 Fuel limit switch and Shut off valve. Mobile fueling vehicles shall be equipped with a fuel limit switch set to a maximum of 30 gallons (116 L) and a nozzle or other approved device that, when activated, immediately causes flow of fuel from the mobile fueling vehicle to cease.

5707.5.4 Fire extinguisher. An approved portable fire extinguisher complying with Section 906 with a minimum rating of 4-A:80-B:C shall be provided on the mobile fueling vehicle with signage clearly indicating its location.

5707.5.5 Spill kit. Mobile fueling vehicles shall contain a minimum 5 gallon (19 L) spill kit of an approved type.

5707.6 Operations. Mobile fueling vehicles shall be constantly attended during fueling operations with brakes set and warning lights in operation. Mobile fueling vehicles shall not obstruct emergency vehicle access roads.

5707.6.1 Dispensing hose. Where equipped, mobile fueling vehicles shall be positioned in a manner to preclude traffic from driving over the dispensing hose. The dispensing hose shall be placed on an approved reel or in an approved compartment prior to moving the mobile fueling vehicle.

5707.6.2 Drip control. Operators shall place a drip pan or an absorbent pillow under the nozzle to catch drips and under each fuel fill opening prior to and during dispensing operations. Contaminated absorbent shall be removed from the property, by the mobile fueler, and disposed in accordance with applicable hazardous waste regulations.

5707.6.3 Nighttime deliveries. Nighttime deliveries shall only be made in areas deemed adequately lighted by the fire code official.

5707.6.4 Vehicle lights. The mobile fueling vehicle flasher lights shall be in operation while dispensing operations are in progress.

5707.6.5 Safety cones. Safety cones or barriers shall be employed as warning devices to highlight the vehicle fueling area.

5707.6.6 Bonding. A means for bonding the mobile fueling vehicle to the motor vehicle shall be provided. Such bonding means shall be employed during fueling operations.

5707.6.7 Spill reporting. Spills shall be reported in accordance with IFC Section 5003.3.1.

5707.7 Training. Mobile fueling vehicles shall be operated only by designated personnel who are trained on proper fueling procedures and the safety and emergency response plan. The vehicle operator training shall be approved by the fire code official."

Section 8. Article I, Section 14.10.41 of Chapter 14 of the Mountain View City Code is renumbered as follows:

"SEC. 14.10.42. Section 6104.2 amended—Location of LP-gas containers; Maximum capacity within established limits."

Section 6104.2 of the International Fire Code is amended to read as follows:

"6104.2. Maximum capacity within established limits. Liquefied Petroleum Gas (LPG) containers shall not be permitted within the city limits where natural gas mains exist. Upon the installation of natural gas mains, conversion from LPG to natural gas must be made within thirty (30) days of the installation of the mains. When an area is annexed to the city and no natural gas mains exist, the use of LPG may be continued until natural gas mains are installed. If natural gas mains exist within the area of annexation, conversion from LPG to natural gas shall be made within thirty (30) days of annexation.

EXCEPTION: Installations of LPG containers may be permitted within the city limits if used for: (1) filling of portable containers for retail sales; or (2) industrial operators where natural gas would not provide a workable substitute.

SECS. 14.11 – 14.29. Reserved.”

Section 9. Article II, Section 15.2 of Chapter 15 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 15.12. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

a. Ancillary use. “Ancillary use” shall mean the use of a portion of the property which is used for a purpose that is subordinate to the main use of the property. A mobile vendor who is temporarily vending on private property shall be considered an ancillary use to the main use of the property and is not a separate use that must comply with the zoning code, Chapter 36 of the City Code.

b. Downtown area. “Downtown area” shall mean the commercial districts of the downtown precise plan area of the city.

c. Finance director. “Finance director” shall mean the finance director of the City of Mountain View or his/her designee.

d. Food. “Food” shall include all articles used for food, drink, confectionery, or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof.

e. Health officer. “Health officer” shall mean the county health officer, his/her assistants, or authorized deputies acting as health officers of the city.

f. Mobile food vendor. “Mobile food vendor” shall mean any mobile vendor who sells or offers for sale food, and includes any person who engages in such operations as an agent or employee of a food vendor.

g. Mobile vendor. “Mobile vendor” shall mean any person who, on or along any street or sidewalk, or operating any vehicle or other mobile unit on private property, sells or offers for sale any goods, wares, merchandise, services, food, or other things of value from a cart, stand or other structure, from his/her person, or from a vehicle or other mobile unit, and includes the person who engages in such vending operations as an agent or employee. Catering services that do not meet this

definition of a mobile vendor are subject to Article I of this chapter. Mobile vendors do not include outdoor retail sales of adjacent businesses or on-demand mobile fueling operators subject to chapter 14 of the city code.

h. Other mobile units. "Other mobile units" shall mean any vehicle, truck, trailer, cart, wagon, dray, conveyance or structure not firmly fixed to a permanent foundation which does not specifically require a license to operate by the department of motor vehicles of the state.

i. Person. "Person" shall mean all domestic and foreign companies, corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, businesses, or common-law trusts, societies and individuals.

j. Police chief. "Police chief" shall mean the police chief of the City of Mountain View or his/her designee.

k. Principal mobile vendor. "Principal mobile vendor" shall mean the mobile vendor in charge of a particular vending operation and the named applicant, rather than a vendor who is working as an agent or employee of another vendor.

l. Processed meats. The term "processed meats" shall mean any meat or meat food product that has been canned, potted, cased, cooked, cured or otherwise prepared for human consumption under the inspection, and carrying the brand, of an official meat inspection service approved by the bureau of meat inspection of the state department of agriculture. This definition does not include fresh meat, cased fresh ground meat, fish or poultry of any kind.

m. Processing. "Processing" shall include cooking, mixing, blending, compounding or the preparation of foods for human consumption.

n. Special event. "Special event" shall mean any event or location, other than on a street or sidewalk, on any individual property at which four (4) or more mobile vendors are operating at the same time, or total mobile vending operations on any individual property exceeds four (4) hours within any twenty-four-hour period.

o. Vehicle. "Vehicle" shall mean any automobile, truck, trailer or other conveyance requiring a license from the department of motor vehicles of the state."

Section 10. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 11. 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 other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 12. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 13. This ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15308 (Class 8) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations), Actions by Regulatory Agencies for Protection of the Environment.

JW/7/ORD
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