

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



February 18, 2011

C. H. Higgs, Building Official
City Hall
City of Benicia
250 East L Street
Benicia, CA 94510

Dear C. H. Higgs:

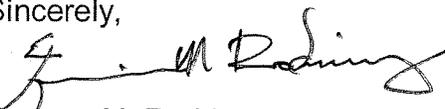
This letter is to acknowledge receipt on December 17, 2010 of the City of Benicia submittal pertaining to Ordinance No. 10-05 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

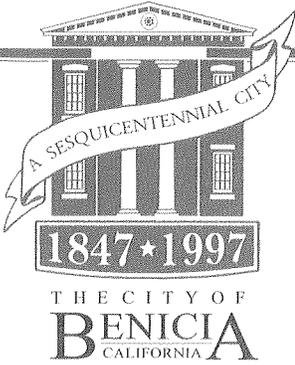
As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



December 15, 2010

Building Standards Commission
2525 Natomas Park Drive, #130
Sacramento, CA 95833

To Whom It May Concern:

As required by Health and Safety Code Section 17958, I am submitting the local amendments to the California Building Code for the City of Benicia. Attached is the agenda of the council meeting, which includes the required findings. Also attached is a copy of the signed ordinances.

Should you have any questions, please contact me at 746-4230.

Sincerely,

C. H. Higgs
Building Official

Attachments

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CITY OF BENICIA
BUILDING STANDARDS COMMISSION

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 16, 2010
PUBLIC HEARING

DATE : November 2, 2010

TO : City Manager

FROM : Public Works and Community Development Director

SUBJECT : **FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO INCORPORATE BUILDING CODE REVISIONS AND TO ADJUST BUILDING INSPECTION FEES**

RECOMMENDATION:

Conduct a public hearing and first reading of a proposed ordinance to amend the Benicia Municipal Code by amending the following chapters of Title 15 Buildings and Construction pursuant to Statewide code updates and providing for certain amendments required to address local conditions:

- New California Residential Code
- New California Green Building Standards Code
- Chapter 15.04 California Building Code
- Chapter 15.08 California Mechanical Code
- Chapter 15.12 California Plumbing Code
- Chapter 15.16 California Electrical Code
- Chapter 15.26 Building Permit and Other Fees

EXECUTIVE SUMMARY:

The State of California updates the Building standards every three years. The City then adopts the codes, with certain amendments, to address specific City of Benicia needs.

BUDGET INFORMATION:

Inspection fees for large commercial photovoltaic systems are proposed to be adjusted to reflect the direct costs to issue permits and perform inspections. In addition, the cost to perform fireplace insert permitting and inspection is proposed to be reduced.

GENERAL PLAN:

Relevant Goals and Policies include:

- Goal 3.27: Improve energy efficiency.
 - Policy 3.27.1: Promote energy conservation in all new development and during rehabilitation of existing homes.
 - Policy 3.27.A: Distribute information on weatherization and energy conservation.
 - Policy 3.27.B: Implement State energy conservation requirements in new housing.
- Goal 4.1: Make community health and safety a high priority for Benicia
 - Policy 4.1.1: Strive to protect and enhance the safety and health of Benicians when making planning and policy decisions.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies include:

- Strategic Issue 1: Protecting Community Health and Safety
- Strategic Issue 2: Protecting and Enhancing the Environment
 - Reduce greenhouse gas emissions and energy consumption
- Strategic Issue 5: Maintain and Enhance a High Quality of Life

BACKGROUND:

The State of California promulgates uniform construction related codes for statewide use in order to ensure quality building construction and public safety. These codes are reviewed and updated on a 3-year cycle and published by the International Code Council, the International Association of Plumbing and Mechanical Officials, and the National Fire Protection Association.

The State has adopted two new codes effective January 1, 2011, the California Residential Code and the California Green Building Standards Code. Individual jurisdictions must use these codes as adopted by the State. However, cities may also adopt additional specific local amendments due to local climatic, geological or topographical attributes.

The State of California has recently approved the latest editions of the following codes:

- California Building Code (2010)
- California Mechanical Code (2010)
- California Plumbing Code (2010)
- California Electrical Code (2010)
- California Residential Code (2010)
- California Green Building Standards Code (2010)

In addition to adoption of the tri-annual California Building Standards code updates, the proposed ordinance will also adopt the following requirements as amendments to the California Building Code (CBC), the California Plumbing Code (CPC), and the California Residential Code (CRC). Items #1- 7 are Benicia specific amendments to both the CBC and the CRC. Item #8 is an amendment to CPC.

The requirements listed below already exist in the Benicia Municipal Code, even though they are not in the 2010 Statewide codes, and shall remain based upon the findings described below:

1. Lighted street address numbers.

The City is geographically bordered on two sides by the Carquinez Strait. The water may cause fog to form in the city, which limits the ability of emergency personnel to quickly locate buildings during night hours without the aid of lighted street address numbers.

2. Roof assembly.

The City is geographically situated in an area subject to frequent periods of strong wind conditions. Additionally, the City contains a significant amount of hilly, undeveloped acreage designated as permanent open space. These large open space areas are characterized as brush and grasslands, which during certain times of the year present extreme fire hazard. Wind conditions, combined with brush and grassland areas, result in heightened concern for fire damage and require additional constraints on the use of wood shake and shingles on roofs and siding.

3. Wood burning fireplaces restricted.

This code revision is in response to the Bay Area Air Quality Management District requirement that any new fireplaces must either be pellet fueled or EPA certified. The ordinance is designed to assist the Bay Area in meeting federal standards and improve air quality.

4. Restricted use of gypsum wallboard for lateral bracing.

Gypsum wall board (sheetrock) will be prohibited to be used as lateral bracing. Because Benicia is in a high seismic zone, this change is necessary to ensure adequate safety in case of seismic activity.

5. Restricted use of paper backed gypsum board in showers and bathtub areas.

Paper backed gypsum board will not be permitted in showers and tub areas subject to water splash. Because of this material's lack of resistance to damage in high moisture areas, premature failure of the product frequently occurs.

6. Concrete slabs require 4 inches minimum thickness and rebar: gravel is required between the concrete and the earth.

Benicia has numerous places where expansive soil is present. The rebar requirement lessens the cracking of the slab. A 4-inch slab is required to accommodate the rebar in the slab. Underground water found in the soils of Benicia by capillary action, can cause water to be pulled into the slab. The gravel breaks this underground water flow.

7. Pool and spa barriers.

The City's ordinance strengthens the State mandated barrier requirement by specifying that garage doors opening in the pool area meet the same self closing requirements as gates. The City code requires all human made bodies of water over 18 inches to be protected. This requirement is in both the CBC and the CRC.

8. Prohibit metal water pipe under concrete slabs.

The use or repair of metal water pipes buried under the concrete slab of a building is prohibited. Buildings have developed water leaks under the slab, and the cost of repair is considerable. In order to eliminate this problem, buried metal water pipe will remain prohibited under a building slab, as it has been since 2003.

Fees: The proposed ordinance adjusts building inspection fees.

Staff recommends building inspection fees be adjusted to reflect the actual cost to issue permits and inspect the work.

	Existing fee	Proposed fee Based on Costs		Cost of Improvements (Typical Total)
Non-residential photovoltaic	\$125.00	>8 kw <49 kw >49 kw-	\$500.00 \$1,000.00 \$1,500.00	8kw = \$74,000 49kw = \$475,000 131kw = \$1,200,000
Fireplace inserts	\$206.75	\$150.00		

Non-Residential Photovoltaic

The current fee schedule lists a fee for electric solar systems as \$125. This fee was intended for residential solar photovoltaic systems. A Statewide 2010 study by

the Sierra Club determined fees based on inspection times and plan review. The survey found an average of 3 hours was used to inspect 8 kw systems, 7 hours for up to 49 kw systems, and 10 hours for systems of 131 kw. The proposed rates were calculated using the established City rate of \$129 dollars per hour for inspection services and \$64.50 for issuance of the permit.

Fireplace Inserts

The new fee is reduced to reflect actual time to perform the inspection and issue the permit.

Green Building Standards Code (CAL Green Code)

The California Green Building Standards code is required for the first time beginning on January 1, 2011. The CAL Green Code is intended to (1) reduce greenhouse gas emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; and (3) reduce energy and water consumption.

The work required by CAL Green Code (which includes low flow devices, insulation, window replacement, low use toilets, and other features), will provide savings for homeowners in reduced energy and water bills, in addition to meeting the goals of the Climate Action Plan

Sustainability Commission Recommendation

Local jurisdictions are allowed to strengthen the CAL Green Code in the same manner as other Building Standards in California. At its October 12, 2010 meeting, the Sustainability Commission recommended that the City add two items: 1) Require the Standard to apply to all residential room additions over 600 square feet, instead of only applying to new structures, and 2) Require energy conservation work to be performed on an existing dwelling (not only new dwellings) when a permit valuation exceeds \$20,000. The costs of any required energy changes would be capped at 2% of the construction cost.

The amendments to the CAL Green Code recommended by the Sustainability Commission will undergo separate outreach to the construction community and will be brought back to the City Council at a future date for consideration.

Attachments:

- ❑ Proposed Ordinance (changes shown)
- ❑ Proposed Ordinance (clean copy version)
- ❑ Sierra Club Recommendations commercial solar electric permit fees as of 10/04/2010

CITY OF BENICIA

ORDINANCE NO. 10-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 15.04 (DIVISION I. CONSTRUCTION STANDARDS AND STRUCTURE RELOCATION) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Chapter 15.04, Division I. Construction Standards and Structure Relocation of Title 15, Buildings and Construction, of the Benicia Municipal Code is hereby amended and replaced in its entirety by the following:

Title 15
BUILDINGS AND CONSTRUCTION

Chapter 15.04

Division I. Construction Standards and Structure Relocation*

Chapters:

NEW	California Residential Code
15.04	California Building Code
15.08	California Mechanical Code
15.12	California Plumbing Code
15.16	California Electrical Code
NEW	California Green Building Standards Code
15.26	Building Permit Fees and Other Fees

Chapter 15.NEW

California Residential Code

15.NEW.010 Adoption by reference.

15.NEW.020 Copies on file.

* Prior ordinance history: Ords. 88-13 N.S., and 90-11 N.S., and 92-1 N.S.

15.NEW.030 Amendments made in the California Residential Code.

15.NEW.010 Adoption by reference.

The California Residential Building Code, 2010 Edition, Appendix H, J, K published by the International Code Council is adopted by reference the same as though fully set forth in this chapter.

15.NEW.020 Copies on file.

One copy of the California Residential Code and Appendix as adopted by BMC 15.NEW.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

15.NEW.030 Amendments made in the California Residential Code.

The California Residential Code is amended and changed in the following respects:

- A. Section R202 of Chapter 2 (Definitions) is amended to add the following definition to read as follows:

Pool: Any outside body of water created by artificial means, any portion of which exceeds eighteen inches (18") in depth.

- B. Section R319 added to read as follows:

Minimum numeral size shall be 6" high with a stroke of 1" and shall contrast with the background.

1. Lighting of building addresses – The building address for all new buildings constructed after the date of this ordinance shall be automatically lighted at night. Buildings under renovation which the lighted numbers can readily be added are required to add the numbers.

- C. Subsection R902.3 is added to Chapter 9 (Roof Assemblies) of the California Residential Code to read as follows:

All new roof coverings shall be a class B or better roof covering assembly as defined by CBC 1505.6.

- D. Subsection R506.1 (Minimum slab thickness) is amended to read as follows:

Minimum slab thickness. A minimum of four inches (4") of gravel and 4" of concrete shall be required under all non-engineered concrete floor

slabs supported directly on the ground in all occupancies except "M" occupancies that are not attached to another structure. Non-engineered concrete floor slabs on grade shall be reinforced with deform reinforcing bars not less than three-eighths inch (3/8") at twenty-four inches (24") each way.

- E. R1007(Wood burning stoves) is added to Chapter 10 (Chimneys and Fireplaces) of the California Residential Code to read as follows:

Wood burning stove appliances. Any new wood-burning appliance must be one of the following:

1. A pellet-fueled wood device;
2. A U. S. EPA Phase II certified device; or
3. A low mass fireplace, masonry heater or other wood burning device of a make and model that meets EPA emission targets and has been approved in writing by the air pollution control officer of the bay area air quality management district or the designee thereof.

- F. Section 3109 (Pools) is added to Chapter 31 (Special construction) of the California Residential Code to read as follows:

Pools.

1. Any body of water to which a permit issued after March 19, 1998, shall comply with the following: An outdoor swimming pool, spa, hot tub or manmade body of water such as decorative fountains or ponds over 18" deep, shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

- a. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the pool. The vertical clearance between grade and the bottom of the barrier shall not be more than 2 inches measured on the side of the barrier which faces away from the swimming pool. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

b. Openings in the barrier shall not allow passage of a 4" diameter sphere.

c. Chain link fences used as the barrier shall be substantial and shall not be less than 11 gage.

d. Access gates shall comply with the requirements of Items a. through c. Pedestrian access gates shall be self-closing and have a self-latching device with the latching service at least 60" above grade. Pedestrian gates shall swing away from the pool area. Any gates other than pedestrian access gates shall be equipped with attached lockable hardware or padlocks and shall remain locked at all times when not in use. This gate must have only occasional use.

e. All doors of a dwelling or garage providing direct access to the water area shall provide a separation fence and gate meeting the requirements of Items a, b, c and d.

EXCEPTION: When approved by the building official, one of the following may be used:

i. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 60 inches (1,372 mm) above the floor.

ii. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dba when measured indoors at 10 feet (3,048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual device, such as a touchpad or switch to temporarily deactivate the alarm for a single opening. Such deactivations shall last no longer than 15 seconds. The deactivation switch shall be located at least 60 inches (1,524 mm) above the threshold of the door.

iii. Hot tubs or spas with locking safety covers complying with ASTM-ES 13-89 shall be considered in compliance with Pool Enclosure Requirements.

Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Item e.

2. Any pool, spa or hot tub for which a building permit was issued prior to March 19, 1998, shall comply with the following. Every swimming pool shall be completely enclosed by a wall, fence or other substantial structure not less than four feet (4') in height measured on the outside of the enclosure. No openings other than doors and gates with any dimension greater than four inches (4") shall be permitted therein except that a picket fence may be erected or maintained having horizontal spacing between pickets not more than four inches (4"). All gates or door openings through such enclosures shall be equipped with self closing and self-latching devices designed to keep and are capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure shall be located at least four feet (4') above the ground or otherwise equally inaccessible to small children. This requirement applies to any manmade body of water over 18" deep, including decorative fountains or ponds.
- G. Section R601.3.4 (Wall construction) Wood framed and steel framed shear walls and all braced wall panels sheathed with gypsum board, lath and plaster shall not be permitted to resist wind and seismic loads.

Chapter 15.04
CALIFORNIA BUILDING CODE¹

Sections:

- 15.04.010 Adoption by reference.
- 15.04.020 Copies on file.
- 15.04.030 Amendments made in the California Building Code.

15.04.010 Adoption by reference.

The California Building Code, 2010 Edition, Volumes 1 and 2, Chapter 1, Division II and Appendix I published by the International Code Council is adopted by reference the same as though fully set forth in this chapter. (Ord. 08-08 § 1).

A. Section 105.3.2 of Chapter 1, Division II is amended to read as follows;
An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been pursued in good faith, or a permit has been issued; except that the building official is authorized to grant one extension of six (6) months. The extension shall be requested in writing and justified cause demonstrated. Whatever the case, a permit application is valid for a maximum one (1) year after which time the application expires and a new plan review fee must be paid. The code in effect at the time the newest application is made shall be the code that is enforced.

B. Section 105.5 (Building permit) of Chapter 1 Division II is amended to read as follows:

Building Permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. The permit will remain valid for a total of two (2) years from the date of the permit issuance. If the work becomes invalid, a new permit must be issued and the permit fees paid as per the city fee schedule for the amount of work required to finish the job.

C. Chapter 1 Division II Subsection 107.6 (Standard plans) is added to read as follows:

106.1.1 – Standard plans. The building official may approve a set of plans for a building or structure as a “standard plan,” provided the applicant has made proper application, submitted complete sets of

plans, and paid the plan checking fee as required by Benicia Municipal Code Chapter 15.26. When it is desired to use an approved "standard plan" for an identical structure, three plot plans shall be submitted, and a plan-checking fee equal to one-half of the full plan-checking fee required by Benicia Municipal Code Chapter 15.26 shall be paid at the time application is made for such identical structure. Such duplicate plans shall be compared, stamped, and kept on the job as required by California Building Code Appendix 106.3.1. In case of any deviation whatsoever from this standard plan, complete plans, together with a full plan-checking fee, shall be submitted for the proposed work, as required by California Building Code Appendix Section 106.1. Standard plans shall be valid for a period of one year from the date of approval. This period may be extended by the building official when there is evidence that the plan may be used again. The code in effect when the plan review application is submitted and the plan review fee paid shall be the governing code.

D. Appendix Chapter 1, Section 113.1 (Unlawful act). Chapter 1, Division II Section 114.5 – Violation a Public Nuisance is added to read as follows:

It is declared that any violation of this code, the CPC, CMC, CEC or other state building codes constitutes a public nuisance. In addition to any other remedies this code provides for enforcement, the city may bring civil suit to enjoin violation of its provisions.

15.04.020 Copies on file.

One copy of the California Building Code and Appendix as adopted by BMC 15.04.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public. (Ord. 08-08 § 1).

15.04.030 Amendments made in the California Building Code.

The California Building Code is amended and changed in the following respects:

A. Section 202 of Chapter 2 (Definitions) is amended to add the following definition to read as follows:

Pool: Any outside body of water created by artificial means, any portion of which exceeds eighteen inches (18") in depth.

B. Section 501.2 of Chapter 5 (General building heights and areas) is amended to read as follows:

1. Address numbers. Apartment, Condominium and Townhouse Complexes – An illuminated, diagrammatic representation of the complex shall be installed at the primary vehicular and walkway entrance to each complex. This diagram shall be of sufficient size to be easily visible from said vehicular and walkway entrance.

a. An apartment, condominium, or townhouse complex shall be defined as a group of three or more separate, non-connecting buildings, all located on common ground where each building contains two or more living units.

b. Each building shall be marked at a location clearly visible from the nearest vehicular access with the street address, building number/letter and numbers of units located in that building.

Example: 2237 Address

Bldg. "B" Building
designation

Units 1 – 8 Units in building

Minimum numeral size shall be 6" high with a stroke of 1" and shall contrast with the background.

2. Commercial – Individual units shall be addressed front and back. Minimum numeral size shall be 6" high with a stroke of 1" and shall contrast with the background. Units with entrances on both the front and rear of the building shall have identical addresses at both locations.

3. Industrial – Individual units within a building shall be addressed front and back. Individual buildings shall be marked at a point clearly visible from the street. Minimum numeral size shall be 12" high with a 3" wide stroke and shall contrast with the background. Units with entrances on both the front and rear of the building shall have identical addresses at both locations.

4. Lighting of building addresses – The building address for all new buildings constructed after the date of this ordinance shall be automatically lighted at night.

C. Subsection 1505.1.5 (Shingles and shakes) is added to Chapter 15 (Roofing) of the California Building Code to read as follows:

Shingles and shakes. All new roof coverings shall be a class B or better roof covering assembly as defined by CBC 1505.6.

D. Subsection 1910.1.1 (Minimum slab thickness) is added to Chapter 19 (Concrete) of the California Building Code to read as follows:

Minimum slab thickness. A minimum of four inches (4") of gravel and 4" of concrete shall be required under all non-engineered concrete floor slabs supported directly on the ground in all occupancies except "M" occupancies that are not attached to another structure. Non-engineered concrete floor slabs on grade shall be reinforced with deform reinforcing bars not less than three-eighths inch (3/8") at twenty-four inches (24") each way.

E. Subsection 2111.14 (Wood burning stove appliances) is added to Chapter 21 (Masonry) of the California Building Code to read as follows:

Wood burning stove appliances. Any new wood-burning appliance must be one of the following:

1. A pellet-fueled wood device;
2. A U. S. EPA Phase II certified device; or
3. A low mass fireplace, masonry heater or other wood burning device of a make and model that meets EPA emission targets and has been approved in writing by the air pollution control officer of the bay area air quality management district or the designee thereof.

F. Section 3109 (Pools) is added to Chapter 31 (Special construction) of the California Building Code to read as follows:

Pools.

1. Any body of water to which a permit issued after March 19, 1998, shall comply with the following: An outdoor swimming pool, spa, hot tub or manmade body of water such as decorative fountains or ponds over 18" deep, shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

- a. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the pool. The vertical clearance between grade and the bottom of the barrier shall not be more than 2 inches measured on the side of the barrier which faces away from the swimming pool. Any decorative design

work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

b. Openings in the barrier shall not allow passage of a 4" diameter sphere.

c. Chain link fences used as the barrier shall be substantial and shall not be less than 11 gage.

d. Access gates shall comply with the requirements of Items a. through c. Pedestrian access gates shall be self-closing and have a self-latching device with the latching service at least 60" above grade. Pedestrian gates shall swing away from the pool area. Any gates other than pedestrian access gates shall be equipped with attached lockable hardware or padlocks and shall remain locked at all times when not in use. This gate must have only occasional use.

e. All doors of a dwelling or garage providing direct access to the water area shall provide a separation fence and gate meeting the requirements of Items a, b, c and d.

EXCEPTION: When approved by the building official, one of the following may be used:

i. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 60 inches (1,372 mm) above the floor.

ii. An alarm shall be installed on all doors with direct access from the living area of the dwelling to the pool. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dba when measured indoors at 10 feet (3,048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual device, such as a touchpad or switch to temporarily deactivate the alarm for a single opening. Such deactivations shall last no longer than 15 seconds. The deactivation switch shall be located at least 60 inches (1,524 mm) above the threshold of the door.

iii. Hot tubs or spas with locking safety covers complying with or ASTM ES 13-89 shall be considered in compliance with Pool Enclosure Requirements.

Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Item e.

2. Any pool, spa or hot tub for which a building permit was issued prior to March 19, 1998, shall comply with the following. Every swimming pool shall be completely enclosed by a wall, fence or other substantial structure not less than four feet (4') in height measured on the outside of the enclosure. No openings other than doors and gates with any dimension greater than four inches (4") shall be permitted therein except that a picket fence may be erected or maintained having horizontal spacing between pickets not more than four inches (4"). All gates or door openings through such enclosures shall be equipped with self closing and self-latching devices designed to keep and are capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure shall be located at least four feet (4') above the ground or otherwise equally inaccessible to small children. This requirement applies to any manmade body of water over 18" deep, including decorative fountains or ponds.

G. Section 2505 (Shear wall construction) of Chapter 25 (Gypsum board and plaster) is amended to read as follows:

Shear wall construction.

1. 2505.1 – Resistance to shear (wood framing) is amended to read as follows:

Delete the section and replace with the following: Wood framed Shear walls sheathed with gypsum board, lath and plaster are not be permitted to resist wind and seismic loads.

2. 2505.2 – Resistance to shear (steel framing) is amended to read as follows:

Delete the section and replace with the following: Steel framed shear walls sheathed with gypsum board, lath and plaster shall not be permitted to resist wind and seismic loads.

H. Subsection 2509.3 (Gypsum board in showers and water closets) of Chapter 25 (Gypsum board and plaster) is amended by adding the following:

4. Gypsum board in showers and water closets. Paper-backed gypsum board products shall not be used as a backer for tile in showers and bathtub areas.

(Ord. 08-08 § 1).

Prior legislation: Ords. 87-6, 87-25, 88-15, 93-6, 95-15, 98-2, 99-11, 02-4 and 07-07.

Chapter 15.08
CALIFORNIA MECHANICAL CODE

Sections:

- 15.08.010 Adoption by reference.
- 15.08.020 Copies on file.
- 15.08.030 *Repealed.*

15.08.010 Adoption by reference.

The California Mechanical Code, 2010 Edition, including the Appendix, is adopted by reference the same as though fully set forth in this chapter. (Ord. 08-09 § 1; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

15.08.020 Copies on file.

One copy of the California Mechanical Code as adopted by BMC 15.08.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public. (Ord. 08-09 § 2; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

15.08.030 Violation – Penalty.

Repealed by Ord. 03-9. (Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

Chapter 15.12
CALIFORNIA PLUMBING CODE¹

Sections:

- 15.12.010 Adoption by reference.
- 15.12.020 Copies on file.
- 15.12.030 Amendments made in the California Plumbing Code.

15.12.010 Adoption by reference.

The California Plumbing Code, 2007 Edition, including Appendices A, D, G, I are adopted by reference the same as though fully set forth in this chapter. (Ord. 08-10 § 1).

15.12.020 Copies on file.

One copy of the California Plumbing Code and Appendix as adopted by BMC 15.12.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public. (Ord. 08-10 § 1).

15.12.030 Amendments made in the California Plumbing Code.

The California Plumbing Code is amended and changed in the following respects:

A. Chapter 604 (Water supply and distribution) is amended by adding Section 604.15 (Metal water piping). Section 604.15 (Metal water piping) is added to read as follows:

Section 604.15 – Metal water piping. Metal water piping, including any repair of any metal water piping, is not to be permitted buried under any structure except as permitted in individual circumstances and approved by the building official.

C. Chapter 710 (Sanitary drainage) is amended by adding Section 710.1 – (Sewage backwater). Section 710.1 (Sewage backwater) is added to read as follows:

Section 710.1 – Sewage backwater. Where a fixture is installed on a floor level that is lower than the next upstream manhole cover of the public or private sewer, serving such drainage piping, shall be protected from backflow of sewage by installing an approved type of backwater valve or mushroom type device or other fixtures approved by the

Building Official. Fixtures on floor levels above such level elevation shall not be discharged through the backwater valve. Cleanouts for drains that pass through a backwater valve shall be clearly identified with a permanent label stating "Backwater Valve Downstream."

(Ord. 08-10 § 1).

1

Prior legislation: Ords. 87-6, 95-15, 99-11 and 02-4.

Chapter 15.16
CALIFORNIA ELECTRICAL CODE

Sections:

15.16.010 Adoption by reference.

15.16.020 Copy on file.

15.16.030 *Repealed.*

15.16.010 Adoption by reference.

The California Electrical Code, 2010 Edition, is adopted by reference the same as though fully set forth in this chapter. (Ord. 08-11 § 1; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

15.16.020 Copy on file.

One copy of the California Electrical Code as adopted by BMC 15.16.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public. (Ord. 08-11 § 2; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

15.16.030 Violation – Penalty.

Repealed by Ord. 03-9. (Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

Chapter 15.NEW
CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections:

- 15.NEW.010 Adoption by reference.
- 15.NEW.020 Copies on file.
- 15.NEW.030 Amendments made in the California Green Building Standards Code

15.NEW.010 Adoption by reference.

The California Green Building Standards Code, 2010 Edition is adopted by reference the same as though fully set forth in this chapter.

15.NEW.020 Copies on file.

One copy of the California Green Building Standards Code as adopted by BMC 15.NEW.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

Chapter 15.26
BUILDING PERMIT FEES AND OTHER FEES

Sections:

- 15.26.010 General requirements and other fees.
- 15.26.020 Building permit fees.

15.26.010 General requirements and other fees.

A. Building permit fees charged on all building permit applications including electrical, mechanical and plumbing permits are in accordance with the fee schedules contained within this chapter.

B. Other Fees (Includes Permit Issuance Fee).

1. a. Inspection for compliance to city codes which requires a letter certifying same: \$160.00.
 - b. Inspection for compliance to city code without a letter: \$86.00.
2. Spa permit (prefabricated): \$96.75 to include installation, plumbing, mechanical and electrical.
3. a. Residential Solar Photovoltaic Systems: \$125.00
3. b. Non-residential Solar Photovoltaic Systems:
 - <8 kw \$500.00
 - <49 kw \$1,000.00
 - >49kw \$1,500.00
4. Kitchen remodel: lighting only – \$106.25.
5. Kitchen remodel: plugs and lights – \$118.25.
6. Kitchen remodel: complete electric and DWV with water lines – \$150.50.
7. Bath/shower remodel: \$129.00.
8. Pools.
 - a. Gunite pools plan review: \$129.00.
 - b. Gunite pool permit issuance and inspection: \$258.00.
 - c. Pool heater: \$64.50.

9. Fireplace insert with gas and electric: \$150.00.
10. Work which was begun prior to required permit issuance: \$129.00.
Investigation fee over one hour at \$129.00 per hour.
11. Inspections outside of normal business hours, per hour (minimum charge – two hours): \$129.00¹.
12. Reinspection fees, per inspection: \$129.00*.
13. Inspections for which no fee is specifically indicated, per hour (minimum charge of one-half hour): \$129.00* (plus issuance fee).
14. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed, per hour (minimum charge of one-half hour): \$129.00*.
15. Inspections outside of normal business hours, per hour (minimum charge – two hours): \$129.00*.
16. Plan Retention.
 - a. A plan retention fee shall be charged at a rate of \$2.25 per page for all plans and \$0.25 per eight-inch by 11-inch paper with a \$1.00 minimum charge.
 - b. The plan retention fee shall be used solely for the purpose of preserving building division plans.
 - c. The building official may adjust the rate charged, on July 30th of each year, to reflect an increase or decrease in cost of preserving plans.
17. Plan review is 65 percent of the building inspection fee.
18. Building inspection fees may be refunded upon written request if no work for the permit has begun. An administrative fee of up to \$110.00 will be assessed for any fee request refund at the discretion of the building official. (Ord. 08-16 § 1; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

Section 2.

Severability. If any section, subsection, phrase, or clause 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 City Council hereby declares that it would have passed this and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member **Hughes**, seconded by Council Member **Ioakimedes**, the foregoing ordinance was introduced at a regular meeting of the City Council on the 16th day of November 2010, and adopted at a regular meeting of the Council held on the 7th day of December, 2010 by the following vote:

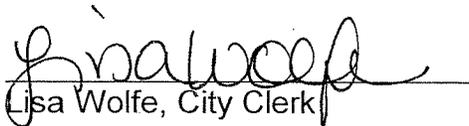
Ayes: **Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson**

Noes: **None**

Absent: **None**


Elizabeth Patterson, Mayor

Attest:


Lisa Wolfe, City Clerk

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



January 10, 2011

Ramoth Iverson, Fire Marshal
Fire Department
City of Benicia
250 East L Street
Benicia, California 94510

Dear Mr. Ramoth Iverson:

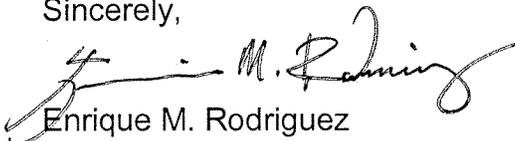
This letter is to acknowledge receipt on December 22, 2010 of the City of Benicia submittal pertaining to Ordinance No. 10-04 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



December 20, 2010

California Building Standards Commission
2525 Natomas Park Drive – Suite 130
Sacramento, Ca. 95833-2936

Attached is a copy of the City of Benicia's adoption of the International (California) Fire Code with amendments and statement of local findings. The City of Benicia Fire Department will be using the California Fire and Building Codes as adopted by the Commission where the CFC and CBC have jurisdiction.

Please contact me if you are in need of anything more.

Sincerely,

Ramoth Iverson
Fire Marshal

2010 DEC 22 PM 1:33
CALIFORNIA BUILDING STANDARDS COMMISSION

CITY OF BENICIA

ORDINANCE NO. 10-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING IN CHAPTER 8.28 (FIRE PREVENTION AND LIFE SAFETY CODE) IN ITS ENTIRETY OF TITLE 8 (HEALTH AND SAFETY) OF THE BENICIA MUNICIPAL CODE.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Chapter 8.28 of the Benicia Municipal Code is hereby repealed and a new Chapter 8.28 is hereby added to read as follows:

Chapter 8.28

FIRE PREVENTION AND LIFE SAFETY CODE

Sections:

- 8.28.010 Findings
- 8.28.020 Adoption by Reference
- 8.28.030 Establishment and Duties of the Division of Fire and Life Safety.
- 8.28.040 Definitions
- 8.28.050 Establishment of Limits within the City of Benicia where Materials regulated by the Code are Prohibited or Limited.
- 8.28.060 Amendments made in the International Fire Code.
- 8.28.070 Penalties

8.28.010 Findings

That portion of the California Fire Code that imposes substantially the same requirements as are contained in the International Fire Code, 2009 Edition published by the International Code Council and the California Building Standards Commission with Errata, together with those portions of the International Fire Code, 2009 Edition, including Appendix Chapters 4, B, C, D, E, F, G, and I, as modified and amended by this chapter, are adopted by this reference into this Chapter, and are hereby collectively declared to be the Fire Code of the City of Benicia, 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 therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Fire Marshal 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 in Section 2 of this ordinance.

This Code adopts changes, modifications and requirements not mandated by the California Fire Code (CFC) and International Fire Code (IFC) because of local climatic, geological or topographical conditions. The modifications are needed due to the following local conditions that exist in Benicia and on the following findings:

1. The city is geographically situated in an area subject to frequent periods of strong gusty winds from the southwest and north. In addition, temperatures during the summer months range from 80 to 100+ degrees. During this period, the relative humidity can fall below 20%. The city contains a significant amount of hilly undeveloped acreage designated as permanent open space. This wildland/urban interface, in conjunction with the hot, dry and windy climatic conditions, creates a hazardous situation that has led to extensive grass and brush fires in recent years. With more development extending into and adjacent to the open space areas, heat and wind-driven fires could lead to serious consequences.

2. The city is divided by several topographic features, including Interstates 680 and 780. As a result, the city is primarily divided into three parts. Traffic within and between the parts of the city is channeled onto several major thoroughfares that must cross freeways by way of underpasses and overpasses. In addition, it is bordered on two sides by the Carquinez Straits. Periodic heavy traffic congestion on the city's major streets and interstates acts as a barrier to timely response for fire and emergency service vehicles. Because of traffic or accidents, there could be times that fire equipment could be sufficiently slowed to increase the risk of substantial structural damage. With the possibility of fire services unable to guarantee rapid response to various sections of the city during these times, it is necessary to mitigate this problem by requiring built-in automatic fire protection systems which provide for early detection and suppression until the arrival of firefighting equipment and other emergency services.

3. The city is subject to ground tremors from seismic events on the San Andreas, Concord/Green Valley, Hayward, and/or other major active faults in the greater San Francisco Bay Area. The Concord/ Green Valley fault is immediately adjacent to the city to the north. Seismological evidence indicates the probability of an earthquake in the region capable of doing significant damage to buildings is high. A major seismic event would create a citywide demand on fire protection services, which would be beyond the response capability of the fire department. This problem can be lessened or mitigated by requiring initial fire control through the installation of automatic fire protection systems.

8.28.020 Adoption by Reference

A. International Fire Code Adopted. That portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, 2009 Edition published by the International Code Council and the California Building Standards Commission with errata, together with those portions of the International Fire Code, 2009 Edition, including Appendix Chapter 4, A, B, C, D, E, F, G and I, as modified and amended by this chapter, are adopted by this

reference into this Chapter, and are hereby collectively declared to be the Fire Code of the City of Benicia for the purpose of regulating and governing the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire, hazardous materials release and explosions(s) arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, conditions hazardous to life or property in the occupancy and use of buildings and premises, then operation, installation and maintenance of adequate means of egress not provided for by the building code, and providing for the issuance of permits and collection of fees thereof.

B. An ordinance of the City of Benicia adopting the 2010 edition of the California Fire Code (2009 International Fire Code as amended by 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 in the City of Benicia; providing for the issuance of permits and collection of fees therefore; repealing Chapter 8.28 of the City of Benicia Municipal Code, and all other ordinances and parts of the ordinances in conflict therewith.

8.28.030 Establishment and Duties of the Division of Fire and Life Safety. The California Fire Code as adopted and amended herein shall be enforced by the fire and life safety division in the fire department of the City of Benicia which is hereby established and which shall be operated under the supervision of the Fire Chief of the fire department. All members of the fire department may enforce the California Fire Code as adopted and amended herein.

8.28.040 Definitions. As used in this chapter, the following terms shall have the meanings set forth herein below:

“Jurisdiction” whenever the word jurisdiction is used in the California Fire Code, it is the City of Benicia.

“Fire Code Official” whenever the words Fire Code Official are used they shall be held to mean Fire Marshal.

“Bureau” whenever the words “Bureau of Fire Prevention”, or “Bureau” are used they shall be held to mean the Fire and Life Safety Division.

8.28.050 Establishment of Limits Within The City of Benicia Where Materials Regulated by this Code are Prohibited or Limited.

A. Establishment of limits in which storage of liquefied petroleum gases is to be restricted. The limits referred to in Section 3804.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: The bulk storage of liquefied petroleum gas is prohibited in all residentially zoned areas of the City, excluding public and public safety facilities.

B. Establishment of limits in which the storage of stationary tanks of flammable cryogenic fluids are to be prohibited. The limits referred to in Section 3204.3.1.1 of the California Fire Code in which the storage of flammable cryogenic

fluids in stationary containers is prohibited is hereby established as follows: Any area which is zoned for other than industrial use.

C. Establishment of limits in which storage of flammable or combustible liquids in outside aboveground tanks; bulk plants or terminals; and bulk transfer operations is to be prohibited. The limits referred to in Section 3404.2.9.6.1 of the California Fire Code in which storage of Class I and II liquids in outside aboveground tanks is prohibited, are hereby established as follows:

1. Storage of flammable or combustible liquids in excess of 2,000 gallons shall be limited to refineries or bulk storage plant location.

2. Storage shall be limited to Public, Limited Industrial (IL), General Industrial (IG), and Water-Related Industrial (IW) zoned districts, or public safety facilities.

8.28.060 Amendments made in the California Fire Code: The California Fire Code is amended and changes in the following respects:

A. Section 101.1-Title. Section 101.1 of Chapter 1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Benicia, hereinafter referred to as "this code."

B. Section 104.3.2 – Fire Clearance. Section 104.3.2 of Chapter 1 is added to read:

104.3.2 Fire Clearance. It shall be unlawful for any person, firm or corporation to operate a business unless a fire clearance inspection has been made and such businesses are in compliance with all fire department requirements.

C. Section 104.10.1-Assistance from other agencies. Section 104.10.1 of Chapter 1 is added to read:

104.10.1 Fire Prevention Bureau Personnel and Police. All sworn safety personnel assigned to the Fire and Life Safety Division, or such other full-time Fire Department officers or fire prevention personnel including the Community Preservation Officer(s), as may be authorized by the Chief, shall be peace officers as described in Section 830.37 of the California Penal Code and shall enforce the Penal Code, California Fire Code, and where necessary and appropriate, any sections of the Benicia Municipal Code, California Health and Safety Code, and any other county or state fire-related laws or codes not specifically covered in any part of this Code. These police powers include the issuance of misdemeanor citations (Notice to Appear), and as approved by the Chief, carrying and use of firearms.

When requested to do so by the Fire Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist the Fire Department in enforcing the provisions of this Code.

D. Section 105.4.2.2 - Plan Review and Fees. Section 105.4.2.2 of Chapter 1 is added to read as follows:

1. Plan Review: Plan Review: The Fire Code Official may review all plans for the construction or remodeling of buildings for the purpose of ascertaining and requiring to be corrected any condition liable to cause fire, or endanger life from fire or panic, or any violation of this Code, state laws and regulations, and any other local ordinances or requirements which the Fire Code Official may deem necessary. The

Chief of the Fire Department may establish a schedule of fees, as approved by resolution of the City Council; to be charged and collected for plan checking and other required inspection services.

2. Fees. 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 105.7 of this Code. Fire service fees may 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 department response to the scene of such an incident. A copy of fee schedules shall be kept in the office of the City Clerk and the office of the Fire Marshal, and shall be available for public inspection.

E. Section 108 is amended -Appeal Process. Section 108 of Chapter 1 is amended to read as follows:

108 -Appeal Process. Section 108 of Chapter 1 is amended to read as follows:

108.1 Board of Appeals established. When it is claimed that the provisions of this Code do not apply, or that the true intent and meaning of this Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Manager within 30 days from the date of the decision of the Chief of the Fire Department. The City Manager, or the Manager's duly authorized representative, shall be the hearing officer and his or her decision shall be final.

F. Section 109.3 – Violation penalties. Section 109.3 of Chapter 1 is amended to read as follows:

109.3 Violation 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 of a permit or certificate used under provisions of this code, shall be guilty of an Infraction or Misdemeanor as specified in the California Penal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

G. Section 110.4.1 - Abatement of Hazards. Section 101.1.3 of Chapter 1 is added to read as follows:

110.4.1 Abatement of Hazards. In situations where immediate abatement of a fire hazard or another potentially hazardous condition is required, the Fire Code Official shall have the authority to abate such hazard immediately. This may include, but is not limited to, confiscation of flammable liquids, fireworks, removing hazardous wiring and adapters, temporary closure of commercial occupancies, extinguishing unsafe or illegal fires and any other similar hazards determining no smoking and ceasing operation of any type of apparatus that may be a danger to property or life. Costs of abatement may become a lien upon the property affected. Affected persons shall be notified of action taken as soon as possible.

H. Section 111.4 – Failure to comply. Section 111.4 of Chapter 1 is amended to read as follows:

111.4 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 of not less than (\$500.00) dollars or more than (\$1,500.00) dollars.

I. Section 202 – General Definitions Fire Watch. Section 202 is amended by adding the following:

202 General Definitions Fire Watch. Qualified individual(s) shall mean an employee of an acceptable security guard/patrol service.

J. Section 307.6 – Open Burning. Section 307.6 of Chapter 1 is added to read as follows:

1. 307.6 Open Burning. No person may ignite, permit or maintain an open fire within the city.

2. Open Outdoor Fires - Exceptions. The following are exceptions from the prohibitions in Section 307.6:

(a) Fire for cooking of food for human consumption, where such use is accomplished in an approved barbecue pit.

(b) Fire for recreational heating, where such use is accomplished in an approved fireplace.

(c) A fire set or permitted by a public fire official in the performance of official duties.

K. Section 502.1 of Chapter 5 is amended to add the following definition:

502.1 All Weather Driving Surface. A roadway designed to carry the imposed weight loads of fire apparatus complete with all underground utilities, curbs, gutters, and a minimum surface finish of one layer of asphalt or concrete or road pavers.

L. Section 503.1.2.1 – Access to open spaces. Section 503 of Chapter 5 is added to read as follows

503.1.2.1 Access to Open Spaces. When access to open land/space or fire trail systems maintained for public or private use is obstructed by vehicles of any kind, or other obstructions both within the access or the road or street access to the open space, the vehicle or obstruction may be removed and the cost of such removal will be assessed to the responsible party or vehicle owner.

M. 503.2.1 Dimensions. Section 503.2.1 is amended to add subsections 503.2.1.2 as follows:

503.2.1.2 Parking of vehicles on fire apparatus access roads. For the parking of vehicles on a fire apparatus access road, roadway widths shall be increased to accommodate the parking of vehicles as follows:

1. Roadways 20 feet (6096 mm) in width, no parking permitted,
2. Roadways 28 feet (8534mm) in width, parking permitted on one side only. Parking is permitted on the side of the street absent fire hydrants, and
3. Roadways 36 feet (10 973 mm) in width when parking is not restricted.

N. 503.2 Specifications. Sections 503.2.4 and 503.2.5 are amended as follows:

503.2.4 Minimum turning radius. A fire department access road shall have a minimum standard turning radius of 30 feet inside and a 42-foot outside diameter.

503.2.5 Dead ends. Dead end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around aerial fire apparatus.

O. 503.2.7 Grade. Section 503.2.7 is amended in its entirety and replaced as follows:

503.2.7 Grade. A fire department access road having a grade of between 12% and 15% shall be designed to have a finished surface of grooved concrete or rough asphalt to hold a 50,000-pound traction load. Design for grooved concrete shall be ¼ inch (6 mm) wide by ¼ inch (6 mm) deep and ¾ inch (19 mm) on center. Grades exceeding 15% are not permitted.

Exception: Other approved all weather surfaces may be used if the skid resistance is equivalent to or greater than grooved concrete as certified by a registered engineer and approved by the Fire Code Official.

P. 503.2 Specifications. Section 503.2 is further amended to add Section 503.2.9 as follows:

503.2.9 Roadway minimum design weight load capacity. A fire department access road shall be designed and maintained to support a minimum load of 60,000 pounds (H-20 Cal-Trans Design Standard) and shall be provided with an all-weather driving surface as specified in this standard.

Q. 503.3.1 Access-parking Prohibited. Section 503.3.1 is added to read:

503.3.1 Access-parking Prohibited. If, in the judgment of the Fire Code Official, it is necessary to prohibit vehicular parking along public or private driveways and other access ways devoted to public use in order to maintain clear and unobstructed access, the Fire Code Official may require the owner, lessee, or other person in charge of the premises to paint the curbs red, install signs, or give other appropriate notice that parking is prohibited. It shall thereafter be unlawful for any such owner, lessee, or other person in charge to fail to install and maintain in good condition the painted curbs, signs, or other appropriate notice so prescribed. When such areas are marked or signed as provided herein, it shall be unlawful for any person to park or leave standing a vehicle adjacent to any such curb marking or contrary to such sign(s).

It shall be unlawful to park any vehicle or in any other way obstruct or block any "Fire Lane", general access road to any building or complex, fire department connection, access roads or areas to any open space, no parking zones at fire stations or within 10 feet of any fire hydrant.

R. 505 Premises Identification. Section 505.1 is added to read:

505.1 Address Identification. Any business or building that affords vehicular access to the rear through a driveway, alleyway, or parking lot, shall also display the building identification or address numbers on the rear of the building.

At the main entrance driveway to each newly constructed multiple dwelling complex, there shall be positioned an illuminated diagram (map) of the complex, which lists all individual addresses of each unit in the complex. The design and location of the map shall be approved by the Fire Marshal.

S. Section 507.5.1 – Where Required. Section 507.5.1 of Chapter 5 is amended to read:

507.5.1 Where Required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet 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.

Fire hydrants shall be placed as approved by the Fire Code Official within fifty (50') feet of fire department connections on new construction.

T. Section 903.2 – Where Required. Section 903.2 through Section 903.2.10 of Chapter 9 is amended to read:

Section 903.2 Where Required. An approved automatic fire sprinkler system shall be installed and maintained in each new building, with the City requiring a building permit according to the following criteria:

1. A Building occupied or used for any purpose including occupancy group A, B, F, H, I, L, M, S, and U (as defined in the California Fire Code), where the fire flow requirements for the building are fifteen hundred gallons per minute or more based on Appendix B requirements.

Exception: Groups R-2.1, R-3.1, or R-4 occupancies are exempt unless otherwise provided for in this code shall comply with the California Residential Code.

2. A building more than two stories or thirty-five feet in height;

U. Section 3302 - Firework Findings. Section 3302 is added to Chapter 33 to read as follows:

1. 3302 Firework Findings. The City Council finds that the sale, use and/or discharge of fireworks in the City, whether classified as "dangerous fireworks" and/or "safe and sane fireworks" pursuant to Health and Safety Code Sections 12500 et seq. will endanger life and property, and may encourage the use and/or discharge of fireworks in neighboring jurisdictions where their sale, use and/or discharge are prohibited.

2. 3302.1 Definitions. Any and all terms used in this article shall have the same meaning as defined in Health and Safety Code Sections 12500 et seq. and shall govern the construction of this article.

3. 3302.2 Applicability of State Law. This article does not supersede State law, but is intended to supplement the provisions of Division 11, Part 2, of the Health and Safety Code (Sections 12500 et seq.) and the administrative regulations adopted pursuant to law, and to prohibit and/or regulate by local authority, as authorized by Health and Safety Code Section 12541, the sale used and/or discharge of fireworks in the City.

4. 3302.3 Sale, Use, Possession and/or Discharge Prohibited. No person or organization shall sell, use, possess and/or discharge in the city any fireworks, including, but not limited to, dangerous fireworks and safe and sane fireworks, subject to the exceptions set forth in this article.

5. 3302.4 Seizure of Fireworks. The Fire Code Official is authorized to seize, take, remove or cause to be removed at the expense of the owner any and all fireworks, including, but not limited to, dangerous fireworks and safe and sane fireworks, which are possessed in violation of Article 78. Confiscation by any law enforcement officer and/or fire department official is subject to the exceptions set forth in this article.

Exceptions. This article does not prohibit, and does not authorize confiscation of fireworks possessed for, the following:

a. A public display of fireworks, including, but not limited to, dangerous fireworks and safe and sane fireworks, in the city; provided, that the person or organization is properly licensed, strictly complies with all applicable provisions of this

article, all regulations adopted by the Fire Code Official, all city resolutions and ordinances, all provisions of the Health and Safety Code, and receives authorization of the Fire Code Official for the public displays of fireworks.

b. Any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction and is classified as "exempt fireworks" in the Health and Safety Code.

c. The use of torpedoes, flares, or fuses by railroads or transportation agencies for signal purposes or illumination.

d. The sale, use or discharge of blank cartridges for ceremonial purposes, athletic or sports events, or military ceremonial or demonstrations.

6. 3302.5 Bond - Insurance. An applicant for a permit to make a public display of fireworks shall furnish proof of adequate compensation insurance for employees as required by State law. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the Fire Code Official for payment of damages that may result to person(s) or property caused by the public display of fireworks or negligence on the part of the applicant or his agents or employees.

V. Section 4603.4 – Sprinkler Systems where required. Section 4603.4.1 through 4603.4.3.

Section 4603.4.3-added to read where required. Section 4603.4.3 of Chapter 46 is added to read:

An approved automatic fire sprinkler system shall be installed and maintained in each new building and addition to an existing building and in the case of the major remodeling of an existing building, with the City requiring a building permit according to the following criteria:

1. A building occupied or used for any purpose including occupancy group A, B, F, H, I, L, M, S and U (as defined in the California Fire Code), Where the fire flow requirements for the building are fifteen hundred gallons per minute or more based on Appendix B requirements;

2. Each building existing on January 1, 2011 is exempt from this section until such time as:

a. Structural changes or tenant improvements of forty percent or greater are made to the building, or

b. The building adds or changes occupancy classification as defined in the California Building Code.

8.28.070 Penalties.

A. Any person who violates any of the provisions of this Code or Standards hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Fire Code Official 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, punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars

(\$1,000.00) or by imprisonment for not more than six months or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or the invocation of other remedies provided in the Benicia Municipal Code or by other law.

C. Each person is guilty of a separate offense for each and every day during any portion of which the violation of this code is committed, continued, or permitted by that person.

Section 3.

Severability. If any section, subsection, phrase or clause 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 City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member **Hughes**, seconded by Council Member **Schwartzman**, the foregoing ordinance was introduced at a regular meeting of the City Council on the 16th day of November, 2010 and adopted at a regular meeting of the Council held on the 7th day of December 2010, by the following vote:

Ayes: **Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Mayor Patterson**

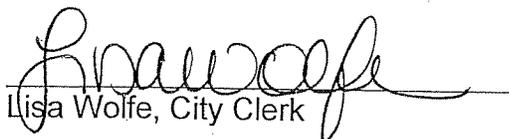
Noes: **None**

Absent: **None**

Abstain: **None**


Elizabeth Patterson, Mayor

ATTEST:


Lisa Wolfe, City Clerk