

BUILDING STANDARDS COMMISSION

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



March 21, 2011

Robert Elkins, Building Official
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708

Dear Mr. Elkins:

This letter is to acknowledge receipt on January 6, 2011 of the City of Fountain Valley submittal pertaining to Ordinance No. 1453 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,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez". The signature is written in a cursive style with a large initial "E".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

12/29/2010

California Building Standards Commission
2525 Natomas Park Dr., Suite 120
Sacramento, California 95833

RE: City of Fountain Valley, Building Ordinance

Mr. Dave Walls:

The City of has Fountain Valley adopted the current Building, Residential Building, Green Building, Plumbing, Mechanical and Electrical, Codes of the State of California.

The City of Fountain Valley has recommended changes and modifications to the Codes and have advised that certain said changes and modifications to the 2010 Editions of the California Building Codes are reasonably necessary due to local climatic, topographical and geological conditions in the City of Fountain Valley and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code or are reasonably necessary to safeguard life and property within the City of Fountain Valley.

The enclosed City Ordinance is for your files.

If additional information is desired please telephone this office at (714) 593-4429.

Sincerely,



Robert Elkins CBO
Building Official

2011 JAN -6 AM 11:14
CALIFORNIA BUILDING
STANDARDS COMMISSION

ORDINANCE NO. 1453

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY, CALIFORNIA REPEALING AND REENACTING CHAPTER 18 OF THE FOUNTAIN VALLEY MUNICIPAL CODE AND ADOPTING THE STATE BUILDING STANDARDS CODES AS MODIFIED

WHEREAS, the State of California has adopted standards for building standards pursuant to California Health and Safety Code Section 17922 and those are set forth in Title 24 of the California Code of Regulations; and

WHEREAS, those uniform codes are thereafter the building codes of the state unless a city has, within six months of the date of publication of those codes, adopted those codes with modifications as may be allowed under state law; and

WHEREAS, cities are allowed to modify said codes based on local climatic, topographical or geological conditions pursuant to Health and Safety Code 179578.7 provided such findings are filed with the State Building Standards Commission; and

WHEREAS, the City Council does hereby desire to conduct such public hearings as may be required by law and adopt such uniform codes and certain appendices thereto with modifications as described herein;

NOW, THEREFORE, the City Council does hereby ORDAIN as follows:

Section 1. That Title 18 of the Fountain Valley Municipal Code is hereby repealed in its entirety.

Section 2. That Title 18 of the Fountain Valley Municipal Code is hereby reenacted to read:

"Title 18- Building Codes and Regulations

Chapter 18.02- Administrative Provisions

**Sections 18.02.010 Administrative Provisions
18.02.020 Building official/department**

18.02.010 Administrative Provisions

The provisions of Chapter 1 of the California Building Code 2010 Edition and the 2010 California Administrative Code are hereby adopted as the administrative provisions for all of the state building standards adopted in this Title 18 and shall be the administrative, organizational and enforcement rules and regulations for the technical codes set forth in Title 18 and shall be kept on file with the Planning/Planning and Building Department.

18.02.020 Building Official/department

The Building Official is appointed by the City Manager, or by the City Council, if an independent contractor. The Building Official and his/her authorized representatives that enforce the technical codes set forth in this title may be employees of the city or an independent contractor.

1802.030 Penalties

Any person, firm, or corporation violating any of the provisions of the Building Codes as set forth in this Title is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed one thousand dollars or by imprisonment in the County Jail for not to exceed six months, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of the Building Codes occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Chapter 18.04- Building Code

Sections:

- 18.04.010 California Building Code Adopted**
- 18.04.020 Work exempt from permit**
- 18.04.030 Work Commencing before Permit Issuance**
- 18.04.040 New high-rise buildings**
- 18.04.050 Automatic Fire Sprinkler Systems**
- 18.04.060 Minimum Roof Covering**
- 18.04.070 Roof coverings—Fire retardant coverings required.**
- 18.04.080 Preliminary Soils Reports**
- 18.04.090 Private Swimming Pools**
- 18.04.100 Signs**

18.04.010 California Building Code adopted.

The California Building Code, 2010 Edition, along with Appendices H, I and J shall be the City's building code for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and other structures in the city, except as modified herein. Said Code shall be on file in the Planning and Building Department.

18.04.020 Work exempt from permit

Section 105.2 of Chapter 1 of the California Building Code is amended in the following categories of work that are exempt from building permit:

- “
2. Fences not over six feet high and block walls not over three feet high.
 -
 4. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
 -
 9. Prefabricated swimming pools accessory to a Group R occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
-”

18.04.030 Work Commencing before Permit Issuance.

Section 109.4 Work commencing before Permit Issuance is amended to read;

'Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty equal to double the permit fees. In addition, when required by the Building Official, a special investigation shall be performed at a cost established by separate resolution.'

18.04.040 Refunds

Section 109.6 Refund is deleted and amended to read:

'The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80% of the permit fee when no work has been done under a permit issued in accordance with this code.

The Building Official may authorize refunding of not more than 80% of the plan review fee when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before the plan is reviewed.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.'

18.04.050 New high-rise buildings.

Section 403.1 is amended to read:

Section 403, first paragraph of section 403.1, and no. 2 definition of section 403.1.1 are amended to define high-rise building at 55 feet instead of 75 feet. The revised sections are to read as follows:

High-rise buildings have occupied floors located more than 55 feet above the lowest level of fire department vehicle access and group 1-2 occupancies having occupied floors located more than 75 feet above the lowest level of Fire Department vehicle access.

'403.1 Applicability

New high-rise buildings having occupied floors located more than 55 feet above the lowest level of fire department vehicle access and new Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access shall comply with Sections 403.2 through 403.6.

....'

18.04.060 Definition of High Rise.

The definition of high rise structure is amended to read:

403.1.1 Definitions

"High-rise structure" means every building of any type of construction or occupancy having floor used for human occupancy located above 55 feet above the lowest floor level having building access (see Section 403.1.2), except buildings used as hospitals as defined by the Health and Safety Code Section 1250.

18.04.070 Automatic Fire Sprinkler Systems

California Building Code Section 903.2 is amended to read as follows:

'Where Required. Automatic fire sprinklers shall be provided for the following:

Notwithstanding any provision in Section 903.2 of the CBC and Section 903.2 of the CFC, approved automatic fire sprinklers shall be installed and maintained in accordance with N.F.P.A., Standard 13, when total square footage equals three thousand five hundred square feet or more throughout all buildings as set forth.

Any existing building shall retrofit with automatic fire sprinklers when a structure exceeds three thousand five hundred square feet and additions or tenant improvements are made which exceed thirty percent of the original building square footage.

Exceptions:

1. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than one-hour fire resistance-rated walls and two-hour fire resistance-rated floor/ceiling assemblies.
2. Automatic fire sprinkler protection for fixed guide way transit systems shall be as per Section 903.2.17.'

18.04.080 Minimum Roof Covering

Table 1505.1 is amended to read as follows:

TABLE 1505.1^a
MINIMUM ROOF COVERING CLASSIFICATIONS
TYPES OF CONSTRUCTION

| | | | | | | | | |
|----|----|-----|-----|------|------|----|----|----|
| IA | IB | IIA | IIB | IIIA | IIIB | IV | VA | VB |
| B | B | B | B | B | B | B | B | B |

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m².

a. Unless otherwise required in accordance with Chapter 7A.

18.04.090 Roof coverings—Fire retardant coverings required.

Section 1505.1.3 is hereby amended to read as follows:

'1505.1.3 Roof coverings within all other areas.

- a) 'The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.
- b) Section 1505.5 is amended, by the deletion of the entire section.
- c) Section 1505.7 is amended, by the deletion of the entire section.'

18.04.100 Preliminary Soils Reports

As required by Chapter 18 California Building Code Section 1803.1.1.1. is added to Section 1803.1.1:

.....
The Building Official may require a geologic or geotechnical report or both, in accordance with the 2010 California Building Code; a geologic report shall be prepared by a Certified Engineering Geologist licensed by the State of California. A geotechnical report shall be prepared by a registered Civil Engineer versed in soils engineering and qualified to perform this work. When both a geotechnical and geologic report are required, the two reports shall be coordinated before submission to the Building Official. The Building Official, at his/her discretion shall obtain any technical support necessary to approve the report. Submitted reports shall contain a finding regarding the safety of the site from any variety of geologic hazard and a finding regarding the effect the proposed improvements, grading and/or construction and use of the site will have on the stability of the site and/or property outside the site. Any recommendation or action presented in the approved reports along with any conditions of approval shall be incorporated into the construction of site improvements. A fee shall be collected for the cost of review of the reports and any required addendums.'

18.04.110 Private Swimming Pools

Section 3109.4.4 is amended to clarify that pool barriers which are already in the Code are required to apply to all private swimming pools.

Section 3109.4.4.1 shall be amended by adding the following definition:

.....
PRIVATE POOL, is any constructed pool, permanent or portable, and over 18 inches deep which is intended for non-commercial use as swimming pool by not more than three owner families and their guests.

.....

18.04.120 Construction Permit; safety feature, required.

'Section 3109.4.4.2 is modified by deleting the first paragraph in its entirety and a new paragraph is substituted to read as follows;

'3109.4.4.2 Construction permit; safety features required. Commencing January 1, 1998, except as provided in Section 3109.4.4.5, whenever a construction permit is issued for construction of a new private pool or spa or any building permit is issued for remodeling of an existing pool or spa at a residence, it shall have an enclosure complying with 3109.4.4.3 and, it shall be equipped with at least one of the following safety features:

.....

18.04.130 Signs

Section H101.2 Signs Exempt from Permit.

Section H102.1 is amended to read:

'**H102.1 Signs exempt from permits.** The following signs are exempt from the requirements to obtain a permit before erection:

1. Temporary signs announcing the sale or rent of property.
2. Signs erected by transportation authorities.
3. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.'

Chapter 18.06- Grading

Sections:

- 18.06.010- Purpose.**
- 18.06.020 Definitions.**
- 18.06.030 Standards.**
- 18.06.040 Application.**
- 18.06.050 Denial of permit.**
- 18.06.060 Engineered grading requirements.**
- 18.06.70 Soils engineering report.**
- 18.06.80 Engineering geology reports.**
- 18.06.90 Liquefaction study.**
- 18.06.100 Erosion control and water quality requirements systems.**
- 18.06.110 Erosion control and water quality requirement system maintenance.**
- 18.06.120 Inspections—Responsibilities.**
- 18.06.130 Final reports.**
- 18.06.140 Notification of completion.**
- 18.06.150 Hazards.**
- 18.06.160 Fees.**
- 18.06.170 Nuisance.**

18.06.180 Violations.

18.06.010 Purpose.

This chapter imposes grading requirements in accordance with the California Construction Codes and also addresses the requirements of the federal Clean Water Act (33 USC 1251 et seq.) in enacting these regulations to comply with the National Pollution Discharge Elimination System (hereinafter "NPDES") permit issued by the Regional Water Quality Control Board. This code sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments, and establishes administrative requirements for issuance of permits and approval of plans and inspection of grading construction in accordance with the requirements for grading and excavation as contained in the California Building Code then in effect as adopted and modified by city ordinance as well as water quality requirements relevant to activities subject to this chapter.

18.06.020 Definitions.

The following definitions shall apply in interpreting this chapter:

"Approval" means a written engineering or geological opinion by the responsible engineer, geologist of record or responsible principal of the engineering company concerning the progress and completion of the work unless it specifically refers to the building official.

"Approved plans" means the current grading plans, which bear the stamp of approval of the building official.

"As-graded" means the extent of surface conditions on completion of rough or precise grading.

"Bedrock" means in-place solid rock.

"Bench" means a relatively level step excavated into earth material on which fill is to be placed.

"Borrow" means earth material acquired from an off-site location for use in grading on a site.

"Building official" for purposes of this chapter only, or any reference to building official in the California Building Code or state equivalent, shall mean the city of Fountain Valley Building Official.

"Civil engineer" means a professional engineer registered in the state of California to practice in the field of civil engineering.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

"Compaction" means the densification of a fill by mechanical means.

"Earth material" means any rock, natural soil or fill or any combination thereof.

"Engineering geologist" means a geologist certified in the state of California to practice engineering geology.

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

"Erosion" means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

"Erosion control system" means a combination of desilting facilities, and erosion protection, including effective planting, to protect adjacent private property, watercourses, public facilities and receiving waters from an abnormal deposition of sediment or dust.

"Excavation" means the mechanical removal of earth material.

"Existing grade" means the ground surface prior to grading.

"Fill" means a deposit of earth material placed by artificial means.

"Finished grade" means the final grade of the site, which conforms to the approved precise grading plan.

Geotechnical Engineer. See "Soils engineer."

"Grade" means the vertical location of the ground surface.

"Grading" means any excavating or filling or combination thereof and movement or redistribution of material to achieve the desired rough grade or finished grade.

"Grading contractor" means a contractor licensed and regulated by the state of California who specializes in grading work or is otherwise licensed to do grading work.

"Grading permit" means an official document or certificate issued by the building official authorizing grading activity as specified by approved plans and specifications.

"Key" means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

"Natural grade" means the ground surface unaltered by artificial means.

"Owner" means any person, agency, firm or corporation having a legal or equitable interest in a given real property.

"Permanent erosion control devices" means improvements, which remain throughout the life of the development, include: terrace drains, slope landscaping, storm drains, etc.

"Precise grading permit" means a permit that is issued on the basis of approved precise grading plans, which shows the precise structure location, finish elevations and related on-site improvements.

"Preliminary grading permit" means a permit that is issued on the basis of approved rough grading plans which need not show a structure location but must show interim

building pad drainage to the degree required by the building official.

"Professional inspection" means the inspection required by this code to be performed by the civil engineer soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

"Rough grade" means the stage at which the grade approximately conforms to the approved rough grading plan.

"Semi-permanent erosion control devices" means devices that are used primarily during construction, including earthen berms, concrete spillways, desilting basins, etc.

"Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

"Slope" means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

"Soil" means naturally occurring superficial deposits overlying bedrock.

"Soil engineer" means a civil engineer duly registered in the state of California whose field of expertise is soil mechanics.

"Soils engineer (geotechnical engineer)" means an engineer duly registered in the state of California experienced and knowledgeable in the practice of soils engineering (geotechnical engineering).

"Soils engineering (geotechnical engineering)" means the application of the principals of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

"Storm water permits" means any permits issued by a local, state or federal regulatory agency regulating storm water flow over and from any project subject to this chapter including but not limited to NPDES permits and state general permits.

"Temporary erosion control devices" means devices that are removable, including: sandbags, gravel bags, plastic sheeting, silt fencing; straw bales and similar items.

"Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

"Water quality requirements" means the requirements relevant to activities that are subject to this chapter found in the water quality ordinance, the DAMP and guidance documents included in the DAMP, as well as requirements relevant to the activities that are subject to this chapter found in storm water permits

18.06.030 Standards.

The city does hereby adopt those standards set forth in Appendix Chapter J of the California Building Code.

18.06.040 Application.

To obtain a grading permit, the applicant must first file an application in writing on a form furnished by the building official. The permit application shall be accompanied by information required by the building official. Each application for a grading permit shall be accompanied by a plan prepared by a licensed engineer in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

- (a) General vicinity of the proposed site;
- (b) Limiting dimensions and depth of cut and fill;
- (c) Location of any buildings or structures where work is to be performed, and, the location of any buildings or structures within fifteen feet (four thousand five hundred seventy-two mm) of the proposed grading.

Prior to the approval of any building or grading plans and specifications, the Building Official, or his/her authorized representative, may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

Applications for which no permit is issued within one hundred eighty days following the date of application shall expire and plans submitted for checking may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action for an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

18.06.050 Denial of permit.

- (a) The building official shall not issue a permit where the work as proposed by the applicant will be in violation of this chapter or is likely to constitute a hazard to property or result in the deposit of debris on any public way or interfere with any existing drainage course. If it can be shown to the satisfaction of the building official that the hazard can be essentially eliminated by the construction of retaining structures, drainage devices or by other means, the building official may issue the permit with the condition that such work be performed.
- (b) If, in the opinion of the building official, the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property, the grading permit and the building permits for habitable structures shall be denied.
- (c) The building official may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects and may, under circumstances where the significant adverse environmental effects of a proposed project cannot be mitigated, deny the issuance of a grading permit.
- (d) The building official may require plans and specifications to be modified in order to make them consistent with the general plan, any specific plan zoning code water quality requirements or other rules regulations or

conditions applicable to the project. The grading permit may be denied if the proposed project cannot be designed in accordance with these rules, regulations or conditions.

18.06.60 Engineered grading requirements.

Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans and specifications when required by the Building Official.

Specifications shall contain information conveying construction and material requirements.

Plans shall be drawn to scale in ACAD last edition format upon twenty-four by thirty-six inch substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared. The plans shall include the following information:

- (a) General vicinity of the proposed site;
- (b) Property limits and accurate contours of existing ground and details of terrain and area drainage;
- (c) Limiting dimensions, elevations, or finish contours to be achieved by the grading, and proposed drainage channels and related construction;
- (d) Detailed plans and elevations of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains;
- (e) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within fifteen feet (four thousand five hundred seventy-two mm) of the property, or that may be affected by the proposed grading operations;
- (f) Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology reports, which are applicable to grading, may be included by reference;
- (g) The dates of the soils, engineering, and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

18.06.70 Soils engineering report.

The soils engineering report required by Section 18.06.130 of this chapter shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

18.06.80 Engineering geology reports.

The engineering geology report required by Section 18.06.130 of this chapter shall include an adequate description of the geology of the site conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

18.06.90 Liquefaction study.

The Building Official may require a geotechnical investigation when, during the course of an investigation, any of the following conditions are discovered, the report shall address the potential for liquefaction:

- (a) Shallow ground water, fifty feet (fifteen thousand two hundred forty mm) or less;
- (b) Unconsolidated sandy alluvium;
- (c) Seismic Zones D and E;
- (d) The property is located within the city's seismic hazard overlay zone (Section 21.14.050 of this code).

18.06.100 Erosion control and water quality requirements systems.

The city adopts the erosion control provisions imposed by the NPDES permit, including the following:

- (a) The project site shall be prepared and maintained to control against erosion in accordance with this chapter. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval by the Building Official and/or Director of Public Works.
- (b) Where necessary, temporary, and/or permanent erosion control devices such as desilting basins, check dams, riprap or other devices, as approved by the Building Official and/or Director of Public Works, shall be employed to control erosion and provide safety during the rainy season from October 1st to April 30th.
- (c) Paved streets, sidewalks and other improvements shall be maintained in a neat and clean condition free of loose soil, construction debris, and trash. Street sweeping using a vacuum sweeper or other equally effective means shall be used on a regular basis to prevent storm flows from carrying sediment and debris outside the project boundaries. Watering shall not be used to clean streets except for fine material not otherwise removed by sweeping or other mechanical means and only when such water and material is prevented from entering the storm drain and collected to a desilting basin.

- (d) Unless otherwise approved by the Building Official and/or Director of Public Works, the owner shall be required to retain a civil engineer who will be responsible for the design of all erosion control improvements and initial approval of the installation of permanent and semi-permanent erosion control devices during each rainy season until the work authorized by the permit is given final approval. The owner shall retain the civil engineer to periodically review the field condition and modify, as needed, the design of the permanent and semi-permanent erosion control devices during the rainy season. Installation and maintenance of all erosion control devices shall be the responsibility of the owner.
- (e) Desilting facilities shall be provided at drainage outlets from the graded site.
- (f) Desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety percent of maximum density. A soil engineering report, prepared by the soil engineer, which includes the type of field-testing performed, location, and results of testing shall be submitted to the Building Official and/or Director of Public Works for approval upon completion of the desilting basins.
- (g) Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent.
- (h) Erosion protection shall consist of effective planting of all slopes in excess of five feet high unless otherwise approved by the Building Official and/or Director of Public Works. Protection for the slopes shall be installed as soon as practicable which may be prior to rough grade approval. Effective planting shall be installed, fully germinated, and effectively cover the required slopes prior to final approval unless otherwise approved by the Building Official and/or Director of Public Works.
- (i) The erosion-control provisions shall take into account drainage patterns during the current and future phases of grading throughout the rainy season.
- (j) All removable protective devices shown shall be in place at the end of each working day when the five-day rain probability forecast exceeds forty percent.
- (k) Graded areas around the tract perimeter must drain away from the face of slopes at the conclusion of each working day.
- (l) Any violation of an applicable federal or state-issued stormwater permit, or failure to conform to the city's water quality ordinance, including but not limited to the stormwater regulations set forth in Chapter 14.40 of this code, or failure to comply with stormwater related provisions of a grading permit or of a grading plan prepared to secure such a permit, is a violation of this chapter.

18.06.110 Erosion control and water quality requirement system maintenance.

- (a) After each rainstorm, silt and debris shall be removed from check berms and desilting basins and the basins pumped dry.
- (b) After each rainstorm, the performance of the erosion control system shall be evaluated, revised and repaired as necessary.
- (c) Devices shall not be moved or modified without the approval of the Building Official and/or Director of Public Works.
- (d) The contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.
- (e) The contractor, permittee, or project owner shall be responsible for continual maintenance of the devices during the rainy season. In the event of failure or refusal by the contractor, permittee or project owner to properly maintain the devices, the Building Official may cause emergency maintenance work to be done to protect adjacent private and public property and environmental resources. The cost shall be charged to the owner and shall include an initial mobilization cost plus the cost of doing the work, including salaries, equipment, and materials.
- (f) In the event the Building Official must cause emergency maintenance work to be done, he/she may revoke the grading permit in writing. The permit shall not be renewed until an erosion control system and/or other systems necessary to comply with water quality requirements approved by the director are installed. The Building Official may waive installation of an erosion control system after April 30th.
- (g) If any grading subject to Section 18.06.040 of this chapter has commenced on private property without a valid grading permit, the property owner may be required to prepare and implement an erosion control plan which has been approved by the Building Official. In the event of failure by the property owner to install an approved erosion control system and/or other systems necessary to comply with the City's water requirements, the Building Official may cause emergency work to be done to protect adjacent private and public property. The procedures of Section 18.06.220 of this chapter shall apply for emergency erosion control work between October 1st and April 30th and emergency work necessary to protect environmental resources. The cost shall be charged to the owner.

18.06.120 Inspections—Responsibilities.

- (a) Grading operations for which a permit is required shall be subject to inspections by the Building Official. Professional inspection of grading operations shall be provided by the professional listed hereafter.
- (b) It shall be the responsibility of the permittee to be knowledgeable of the conditions and/or restrictions of the grading permit as outlined in this code and as contained on the approved grading plans. The permittee shall also

maintain in an accessible location on the site, a copy of the approved grading plan.

- (c) All permits, waivers or exemptions issued hereunder shall be deemed to include the provisions that the permittee, his/her agents, contractors and employees shall carry out the proposed work in accordance with the approved plans and specifications and in accordance with any applicable water quality requirements prepared and maintained pursuant to federal, state, or city regulation, and in compliance with all requirements of the permit and this chapter. Failure to carry out the work in accordance with approved plans and specifications, the applicable water quality requirements, and in compliance with all requirements of the permit and this chapter shall be a violation of this chapter.
- (d) The engineering geologist's area of responsibility shall include, but need not be limited to professional inspection and written approval of the adequacy of natural ground for receiving fills, the stability of cut slopes with respect to geological matters and the need for subdrains or other groundwater drainage devices. The engineering geologist shall report his/her finding to the soil engineer and the civil engineer for engineering analysis.
- (e) The soil engineer's area of responsibility shall include, but need not be limited to the professional inspection and approval concerning this preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, and design of buttress fills, subdrain installation and incorporation of data supplied by the engineering geologist. The soils engineer shall also provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Reapproved recommendations relating to conditions, differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the building official and the civil engineer.
- (f) It shall be the responsibility of the civil engineer, architect, or other qualified individual who prepares the grading plan approved by the building official or the building official's designee to incorporate all recommendations from the soils engineering and engineering geology reports into the grading plan. He/she shall also be responsible for the professional inspection and approval of the grading within his/her area of technical specialty. This responsibility shall include but need not be limited to inspection and approval as to the establishment of line grade and drainage of the development area. The project civil engineer and/or general contractor shall act as the coordinating agent in the event the need arises for liaison between the project professional, grading contractor and the director. The civil engineer or other qualified person who prepares and signs the grading plan shall control plans and the submission of as-graded grading plans when required by the building official upon completion of the work.
- (g) The permittee shall notify the Building Official prior to any clearing, brushing, or grubbing and when the grading operations are ready for inspection.

- (h) If the Building Official finds that the soil or other conditions are not as stated in the approved plans and soil or geology reports, he/she may, using reasonable judgment, refuse to allow further work until approval is obtained for a revised grading plan which will conform to the conditions.
- (i) No person shall conduct any grading, clearing, brushing, or grubbing on natural or existing grade that is preparatory to grading without first having obtained a grading permit from the City. Exemptions to this requirement are as provided in this chapter or as otherwise determined by the Building Official.

18.06.130 Final reports.

Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

- (a) An as-built grading plan prepared by the civil engineer showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations elevations and details of subsurface drains shall be shown as reported by the soils engineer.

Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in substantial conformance with the final approved grading plan.

- (b) A report prepared by the soils engineer retained to provide such services, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.
- (c) A report prepared by the engineering geologist retained to provide such services including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.
- (d) The grading contractor shall submit in a form prescribed by the building official a statement of conformance to said as-built plan and specifications.

18.06.140- Notification of completion.

The permittee shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion-control measures have

been completed in accordance with the final approved grading plan, and the required reports have been submitted. (Ord. 1392 § 14, 2007; Ord. 1348 § 1 (part), 2003)

18.06.150- Hazards.

Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

18.06.160 Fees.

The city council shall establish, by resolution, fees for the administration of this chapter.

18.06.170 Nuisance.

Any condition in violation of the prohibitions of this chapter, including but not limited to the maintenance or use of any illicit connection or the occurrence of any prohibited discharge shall constitute a threat to the public health safety and welfare, and is declared and deemed a nuisance pursuant to Government Code Section 38771. At the request of the Director of Public Works, the enforcing attorney may seek a court order to enjoin and/or abate the nuisance.

18.06.180 Violations.

Any person who negligently or knowingly violates any provision of this chapter, undertakes to conceal any violation of this chapter, continues any violation of this chapter after notice thereof, or violates the terms, conditions and requirements of any permit issued pursuant to this chapter, shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment for a period of not more than six months, or both. Each day in which a violation occurs and each separate failure to comply with either a separate provision of this chapter, a notice of noncompliance, an administrative compliance order, a cease-and-desist order or a permit issued pursuant to this chapter, shall constitute a separate violation of this chapter punishable by fines or sentences issued in accordance herewith

Chapter 18.08- RELOCATION OF BUILDINGS

Sections:

18.08.010 Permit—Required.

18.08.020 Permit—Building inspection required.

18.08.030 Permit—Application contents.

18.08.040 Hearing—Application fee.

18.08.050 Hearing—Department recommendations.

18.08.060 Hearing—Notices.

18.08.070 Restricted buildings.

18.08.080 Plans and bond required.

18.08.090 Terms or conditions imposed by planning commission.

18.08.100 Damage of public property.

- 18.08.110 Chapter application—Waiver.**
- 18.08.120 Hearing decision—Appeal.**
- 18.08.130 Inspection and code provisions.**
- 18.08.140 Violation—Penalty.**

18.08.010 Permit—Required.

It is unlawful for any person, firm, or corporation to move or cause to be moved any building or structure or any section of any building or structure into the city of Fountain Valley for permanent establishment in the city or from one location to another in the city, without first obtaining a relocation permit from the building and planning departments of the city.

18.08.020 Permit—Building inspection required.

All applications for relocation permits shall first be filed with the Planning and Building Department for initial inspection of the building to be moved. The Planning and Building Department shall complete their inspection within a reasonable time after filing. The building and safety director or his authorized representative, shall then forward his report to the city planning commission with his correction list, improvement bond estimate and recommendations as the Planning and Building Department is presently required to do under existing ordinances. Inspection fees required by the building code and/or city council shall be required.

18.08.030 Permit—Application contents.

All applicants desirous of relocating a building or structure within the City after initial inspection by the Planning and Building Department shall, then make an application to the planning commission of the city, which application shall contain the following:

- (1) Name of owner;
- (2) Complete description of the building or structure to be moved, designating its type, construction material, age, size and any other pertinent information that may be required by the city engineer, planning department or Planning and Building Department;
- (3) A description of the route over, along, across and upon which such building or structure, section or portion thereof, is to be moved within the city and the time within which the work of moving will be commenced and completed;
- (4) A complete description of any proposed addition, alteration or repair or improvement to be made to said building or structure either before or after it is moved and a statement of the approximate commencement and completion of such proposed addition, alteration, repair or improvement;
- (5) Four eight and one-half inch by eleven inch photographs, showing front, rear, left and right side elevations;

- (6) A statement supported by relevant evidence indicating that all necessary authorizations and permits have been obtained from the operator of any public utility which might be affected by such moving operations;
- (7) The proposed use to which such relocated building and structure will be put;
- (8) A *termite inspection report* by a reliable termite exterminator company, licensed by the state of California;
- (9) The name of the mover.

18.08.040 Hearing—Application fee.

All such relocations shall require a hearing before the Planning Commission. The application set out in the previous section shall be accompanied by a filing fee as established by resolution of the city council, to cover the cost of making maps, mailing notices, and other administrative expenses involved. Such fee shall not be refundable, whether a permit is issued or not.

18.08.050 Hearing—Department recommendations.

Prior to the hearing held by the Planning Commission, the Planning and Building Director shall advise all affected City departments of such application. These departments shall submit recommendations to the Planning Commission for consideration prior to the time of the public hearing.

18.08.060 Hearing—Notices.

At least ten days before the hearing before the Planning Commission, notices of the time and place of such hearing and the purpose thereof shall be given by the mailing of notices, to all property owners, within a distance of five hundred feet from the exterior limits of the property to which any such building or structure is to be moved. A notice of such hearing shall also be mailed to the applicant at the address listed in the applicant's application.

18.08.070 Restricted buildings.

No permit shall be issued for the relocation of any building or structure from one location to another location within the City if said building or structure, in the opinion of the Planning Commission is so old, dilapidated, and in such a state of disrepair as to be unsanitary or otherwise unfit for human habitation, occupancy or use, or would by reason of its exterior appearance be detrimental to the property value and residential character of other properties within one thousand feet from its new location, (vacant area shall be considered developed to highest and best use permitted by the existing zone), or the proposed use of said building or structure is prohibited by the zoning ordinance of said city; or if the building or structure is of a type prohibited in the proposed location by the building code, or any other law or ordinance, or if the cost to repair such building is such that it would be prohibitive under the present laws and ordinances of the city.

18.08.080 Plans and bond required.

No permit shall be issued, nor shall the Planning Commission make any decision concerning any application for the movement of any building or structure until;

- (1) A set of architectural plans of the completed structure is submitted; until
- (2) A faithful performance bond, executed by a responsible surety company authorized to do business in the state of California, or by two responsible private individuals, in an amount as recommended by the Planning and Building Department as being necessary to bring such structure or building up to existing building codes and other applicable laws or ordinances is submitted. Said bond and corrections shall be limited to ninety days from the date of issuance of building permits. One thirty day extension may be granted by the building and safety director when extenuating circumstances are evident.
- (3) A bond on file with the city clerk which shall be a good and sufficient surety bond issued by a company acceptable to the city attorney, or a cash deposit in the principal sum of two thousand dollars in favor of the city for the benefit of any person, firm or corporation who may be damaged directly or indirectly by the moving of said building or structure, provided that any person, firm or corporation engaged regularly in the business of moving buildings may deposit with the city clerk a surety bond approved by the city attorney, or a cash deposit in the sum of ten thousand dollars indemnifying the city for like purposes and in that event such person, firm or corporation need not file the said two thousand dollar bond or cash deposit hereinabove required for any single moving operation.

18.08.090 Terms or conditions imposed by planning commission.

The Planning Commission, in authorizing the issuance of a relocating permit, may impose thereon such terms and conditions as it may deem reasonable and proper in the interest of public safety, welfare, and morals and well being, including but not limited to the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure, or removal of any nonconforming uses or structures. Further terms or conditions may be imposed by the Planning Commission in accordance with the building code, zoning and fire code regulations. The terms and conditions upon which any permit is granted, either by the Planning Commission or by the City Engineer shall be written upon the permit or appended thereto. Upon authorization of the relocation permit, the applicant shall in addition comply with other City ordinances as they pertain to oversize and overweight loads and shall obtain the necessary additional permits and pay the additional fees. Drainage, sewerage and other charges as required by the laws, rules and regulations of the city shall be required.

18.08.100 Damage of public property.

In case of any damage to any street, or other public property, or public utility owned by the city, the city shall do or cause to be done such work as may be necessary to restore the street or other public property, or public utility, to as good a condition as the same was in prior to such damages and shall charge the cost thereof to the person, firm or corporation to whom the permit was issued for the moving of such building or structure, or section or portion thereof. A final inspection will not be made or passed on the condition or repair of any building or structure until all charges, costs and fees to the city incidental to said relocation have been paid.

18.08.110 Chapter application—Waiver.

The provisions of this chapter shall apply to all persons, firms, associations or other corporations moving buildings or structures through or within said city, or to be located within said city, providing that upon a proper showing the Planning Commission may waive one or more of the requirements of this chapter or may reduce or waive filing or permit fees where the building or structure to be moved is known by or is to be used or occupied by another public agency or where the distance which such building or structure is to be moved is so small as to warrant a modification of the fees or other requirements hereof.

18.08.120 Hearing decision—Appeal.

Within fifteen days after completion of said hearing by the Planning Commission, the Planning Commission shall render its decision on the matter. The decision of the Planning Commission and any provision or restriction imposed shall be final unless an appeal in writing to the City Council is filed with the City Clerk in accordance with the appeal provisions of Title 21.

If the application is approved and no appeal filed within the twenty day stay period, the Planning Commission shall return the application to the Planning and Building Department for the issuance of a permit noting the restrictions and the requirements imposed by the planning commission, and a certification that all necessary charges and fees have been paid.

18.08.130 Inspection and Code provisions.

The permit or permits herein authorized shall be in addition to all permits required under any other ordinance of the City and all such relocated buildings or structures shall be subject to the inspection of the Planning and Building Department, planning department, and City Engineer and must conform to all requirements of the building code and other codes or ordinances relating to building, construction, relocation and necessary installations incident thereto.

18.08.140 Violation—Penalty.

Every person, as principal, agent, or otherwise, violating or failing or neglecting or refusing to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding five hundred dollars or by imprisonment in the county jail for a period of not exceeding six months or by both such fine and imprisonment. Each such person as principal, agent, or otherwise, shall be guilty of a separate offense for each day during any portion of which the violation of or the failure, neglect, or refusal to comply with any of the provisions of this chapter is committed, continued or permitted by such person.

Chapter 18.12- Residential Code

Sections:

18.12.010 California Residential Code

18.12.020 Work exempt from permit

18.12.030 Fees

18.12.040 Climatic and Geographic Design

18.12.050 Automatic Fire sprinkler Systems

18.12.060 Preliminary soils report

18.12.070 Fully Grouted Stem Walls

18.12.080 Roofing covering materials

18.12.090 Roof coverings within all other areas

18.12.100 Fire-retardant-treated shingles and shakes

18.12.010 Residential Code Adopted.

The California Residential Code, 2010 Edition, is hereby adopted as the residential code for the City with Appendices H and shall apply to those residential structures set forth therein. A copy of said code shall be kept on file with the Planning and Planning and Building Department.

This shall be the City's residential building code for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, occupancy, equipment, use, height, area and maintenance of all residential buildings in the city, except as modified herein.

18.12.020 Work exempt from permit

Section R105.2 is amended in the following categories of building work that are exempt from permit:

.....

2. Fences not over six feet high and block walls not over three feet high.

3. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

.....

11. Platforms, walks and driveways not more than thirty inches (762 mm) above grade and not over any basement or story below.

.....

18.12.030 Refunds

Section R108.5 Refunds is deleted and amended to read;

'The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80% of the permit fee when no work has been done under a permit issued in accordance with this code.

The Building Official may authorize refunding of not more than 80% of the plan review fee when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before the plan is reviewed.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.'

18.12.040 Penalties.

Section R108.6 Work Commencing before Permit Issuance is amended to read:

'Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to double the permit fees as a penalty. In addition when required by the Building Official a special investigation shall be performed at a cost established by separate ordinance.

18.12.050 Climatic and Geographic Design

Table R301.2 (1) is revised to read:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

| GROUND SNOW LOAD | WIND DESIGN | | SEISMIC DESIGN CATEGORY | SUBJECT TO DAMAGE FROM | | | WINTER DESIGN TEMP ^e | ICE BARRIER UNDERLAYMENT REQUIRED ^h | FLOOD HAZARDS ^g | AIR FREEZING INDEX ⁱ | MEAN ANNUAL TEMP ^j |
|------------------|--------------------------|----------------------------------|-------------------------|-------------------------|-------------------------------|----------------------|---------------------------------|--|----------------------------|---------------------------------|-------------------------------|
| | Speed ^d (mph) | Topographic effects ^k | | Weathering ^a | Frost line Depth ^b | Termite ^c | | | | | |
| Zero | 85 | No | D ₂ or E | Negligible | 12-24" | Very Heavy | 43 | No | Ordinance#21.14.040 | 0 | 60 |

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1 (1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. Temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

18.12.060 Automatic Fire sprinkler Systems

Section R313.1 exception and R313.2 exception are deleted. The following will be added to R313.1 and R313.2:

'Any alteration, addition, or remodel to an existing building shall retrofit with automatic fire sprinklers when a structure exceeds three thousand five hundred square feet and additions or alterations are made which exceed thirty percent of the original building square footage.'

18.12.070 Preliminary soils report

As required by Chapter 4 California Residential Code Section R401.4. is added to Chapter 4:

The Building Official may require a geologic or geotechnical report or both, in accordance with the 2010 California Residential Code Section R401. This section shall include any new residential construction or additions to existing structures. As part of this evaluation the Building Official shall require a site visit to determine the need for a geologic or geotechnical report or both. A fee shall be collected for each site visit.

A geologic report shall be prepared by a Certified Engineering Geologist licensed by the State of California. A geotechnical report shall be prepared by a registered Civil Engineer versed in soils engineering and qualified to perform this work. When both a geotechnical and geologic report are required, the two reports shall be coordinated before submission to the Building Official. The Building Official, at his/her discretion shall obtain any technical support necessary to approve the report. Submitted reports shall contain a finding regarding the safety of the site from any variety of geologic hazard and a finding regarding the effect the proposed improvements, grading and/or construction and use of the site will have on the stability of the site and/or property outside the site. Any recommendation or action presented in the approved reports along with any conditions of approval shall be incorporated into the construction of site improvements. A fee shall be collected for the cost of review of the reports and any required addendums.

18.12.080 Fully Grouted Stem Walls

Section R403.1.3 is modified by deleting the exception for masonry stem walls:

In Seismic Design Categories D₀, D₁ and D₂ masonry stem walls without solid grout and vertical reinforcing are not permitted.

18.12.090 Roofing covering materials

Section R902.1 is amended by revising it to allow only class A or B roofs as follows:

'R902.1 Roofing covering materials.

Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roofing shall be installed in areas designated by this section. Classes A or B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.'

18.12.100 Roof coverings within all other areas

Section R902.1.3 is amended by revising it to require a minimum Class B roof as follows:

'R902.1.3 Roof coverings within all other areas.

The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

18.12.110 Fire-retardant-treated shingles and shakes

Section R902.2, first paragraph is amended by revising it to allow only Class A or B treated wood roofs as follows:

'R902.2 Fire-retardant-treated shingles and shakes.

Fire-retardant-treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use on Class A or B roofs.

Chapter 18.16- PLUMBING CODE

Sections:

18.16.010 Plumbing Code adopted.

The California Plumbing Code 2010 Edition is hereby adopted as the plumbing code for the City regulating the erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems with the city. Said Code shall be on file in the Planning and Building Department.

Chapter 18.20- California Electrical Code

Sections:

18.20.010 California Electrical Code

18.20.020 Copper/aluminum wire.

18.20.030 Continuous inspection of aluminum wiring.

18.20.010 Electrical Code adopted.

The California Electrical Code 2010 Edition is hereby adopted except as modified herein. Said Code shall be kept on file in the Planning and Building Department.

18.20.020 Copper/aluminum wire.

Article 310.2(B) is hereby amended by the addition of a second paragraph to read:

Copper wire shall be used for wiring No. 6 and smaller in all installations. Consideration for use of aluminum wiring can be made by the building official for feeder lines only on an individual basis where adequate safety measures can be ensured.
(Ord. 1418 § 2, 2007)

18.20.030 Continuous inspection of aluminum wiring.

Article 310.16 is hereby added to read:

Aluminum conductors of No. 6 or smaller used for branch circuits shall require continuous inspection by an independent testing agency approved by the building official for proper torquing of connections at their termination point.

Chapter 18.24- California Mechanical Code

18.24.010 California Mechanical Code adopted.

The California Mechanical Code 2010 Edition is hereby adopted and shall regulate and control the design, construction, installation, quality of materials, location, operation and maintenance of the heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances. Said Code shall be on file in the Planning and Building Department.

18.26 2009 Uniform Solar Energy Code adopted

18.26.010 2009 Uniform Solar Energy Code 2009 edition, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted as the Solar Energy Code of the City and a full copy shall be kept on file with the City.

18.28 California Green Building Standards Code adopted

18.28.010 California Green Building Standards Code, 2010 Edition, as set forth in Title 24 of the California Code of Regulations, is hereby adopted as the Green Building Standards Code for the City and a full copy shall be kept on file with the Planning and Building Department.

18.32- 2009 International Property Maintenance Code adopted

18.32.010 International Property Maintenance Code, 2009 Edition, as published by the International Code Council is hereby adopted as the Property Maintenance Code for the City and a full copy shall be kept on file with the Planning and Building Department.

18.33- 2006 Uniform Swimming Pool and Spa adopted

18.33.010 Uniform Swimming Pool and Spa code 2006 edition, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted as the Swimming Pool, Spa and Hot Tub Code of the City and a full copy shall be kept on file with the Planning and Building Department.

Chapter 18.34- Paving Permits

18.34.010- Parking area.

A parking area is an area or space designed, used or intended to be used for the storage, parking, maintenance, service, driving, repair, display or operation of vehicles, and includes areas used or intended to be used for driveway or access to such parking areas from the public right-of-way to such area, but does not include public roads, streets, highways and alleys.

18.34.020- Scope.

No areas shall be used for the storage, parking, maintenance, service, driving, repair, display or operation of vehicles unless constructed and maintained in accordance with the terms and provisions of this chapter, except:

- (1) That portion of any land coming within the definitions of parking area in use for such purposes on the effective date of the ordinance enacting this chapter and which is paved and is being maintained in a safe manner so as not to become a nuisance may continue in use without meeting the provisions of this chapter; however, any extension, alteration or reconstruction of such areas in whole or in part shall be subject to the terms and provisions of this chapter.
- (2) The building official may authorize temporary parking areas to be used in connection with special events, new construction, or areas to be used for a limited period of time not exceeding six months where construction of permanent facilities in accordance with the standards of this chapter would be impractical. The building official may impose requirements for dust control, temporary paving, or such other requirements as may be necessary to accomplish the intent of this chapter, as conditions pursuant to authorization.

18.34.030 Permit required.

No person, firm or corporation shall construct, reconstruct, alter, enlarge or pave any parking area without first obtaining a separate parking paving permit from the building official. Permits will only be issued to those persons having the appropriate contractor's license as determined by the Contractors State License Board and the applicable state law. Separate paving permits shall not be required in the following situations:

- (1) No paving permit shall be required for any paving work within or under a building for which a valid building permit has been issued.
- (2) No paving permit shall be required for paving work serving residential occupancies where the areas to be paved do not exceed one thousand square feet in area.
- (3) No paving permit shall be required for minor repair and resurfacing of existing pavements on any property.

18.34.040 Standards.

Parking areas shall be constructed in accordance with the standards set forth in Section 21.60.060 of this code.

18.34.050 Plans.

Plans for parking areas shall be included in the grading plans and shall be submitted to the city engineer for checking. Also to be included in the plans shall be the specifications for the composition of the paving materials.

18.34.060 Fees.

Fees for paving permits shall be set forth by a resolution of the city council.

18.34.070 Approvals required.

- (a) No work shall be done on any parking area beyond the point authorized in each successive inspection without first obtaining the approval of the building official. Such approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required by subsection (b) of this section.
- (b) The building official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections of parking areas and shall approve that portion of the construction as completed or shall notify the permit holder or the permit holder's agent wherein the same fails to comply with the law:
 - (1) Subgrade Inspection. To be made when the compaction report has been received by the building official and after the site has been cleared and is prepared to receive fill material or aggregate base. When no fill operation is to be done, or the fill is minor in nature, subgrade inspection may be waived by the building official;
 - (2) Base Inspection. To be made after base or subgrade has been brought to proper grade and alignment for placing of paving materials and after all required curbing and gutters are in place;
 - (3) Final Inspection. To be made when parking area is complete and all requirements of this chapter have been met.

18.34.080 Testing.

When there is insufficient evidence of compliance with the provisions of this chapter or evidence that any material or any construction does not conform to the requirements of this chapter, or in order to substantiate claims for alternate materials or methods of constructions, the building official may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved agency.

18.34.090 Preparation of surface to be paved.

- (a) Preparation of surfaces to be paved shall be performed in accordance with the standard specifications for public works construction.
- (b) Soil sterilization shall be used in all areas to be paved. Sterilants shall be applied in accordance with manufacturers' recommendations and shall be evidenced by a certification of compliance from the permit holder.

18.34.100 Maintenance.

All parking areas shall be maintained in a safe and sanitary condition and shall be kept in good repair. Any alteration, enlargement or reconstruction, in whole or in part, other than normal maintenance repairs, shall be pursuant to permit and subject to the provisions of this chapter.

18.34.110 Penalties.

Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this chapter occurs or continues constitutes a separate offense and, upon conviction thereof, shall be punishable as provided in this section.

Chapter 18.36 - STRONG MOTION INSTRUMENTATION PROGRAM

18.36.010 Scope and purpose.

In accordance with Chapter 8, Division 2 of the California Public Resources Code, the city imposes a fee upon all construction permits for purposes of administering the state of California Strong Motion Instrumentation Program. Said fees are in addition to any and all other fees required of applicants for the issuance of a construction permit.

18.36.020 Definitions.

"Construction permit" is defined as a general permit for the construction or erection of a new structure or the renovation of an existing structure; or a permit for the installation or repair of electrical, plumbing, heating and air conditioning equipment in a structure; or the installation of a sewer; or the grading or excavation of earth materials; or the installation of paving materials.

18.36.030 Fee schedule.

Every applicant for a construction permit shall pay a strong motion instrumentation program fee as prescribed and stated in Public Resources Code Division 2, Chapter 8.

18.36.040 Administration.

The director of finance shall file all reports and pay all fees as required by the provisions of Chapter 8, Division 2 of the California Public Resources Code and shall comply with all rules and regulations of the state of California Department of Conservation, as administrative agency for the program.

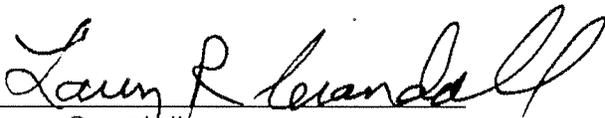
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held out to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Fountain Valley hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsection, sentence clause, phrases or portions be declared valid or unconstitutionally."

Section 2. Fees for compliance with the above codes shall be established in a separate resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held out to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council and the City of Fountain Valley hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsection, sentence clause, phrases or portions to be declared valid or unconstitutionally.

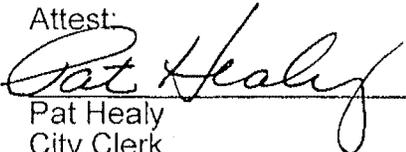
Section 4. The City Clerk shall certify to the adoption and cause it to be published as required by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Fountain Valley held on the 19th day of October 2010.



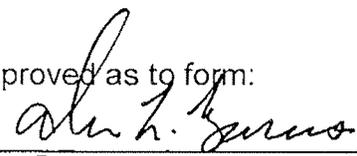
Larry Crandall
Mayor

Attest:



Pat Healy
City Clerk

Approved as to form:



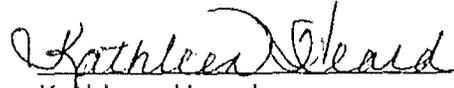
Alan Burns
City Attorney

VOTE

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF FOUNTAIN VALLEY}

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Ordinance was introduced to the Council at its regular meeting held on the 19th day of October 2010, and was adopted at its regular meeting held on the 16th day of November 2010, by the Council by the following roll call vote, to wit:

AYES: Council Members: Nagel, Crandall, Collins, Brothers, Carrozzo
NAYES: Council Members: None
ABSTAIN: Council Members: None

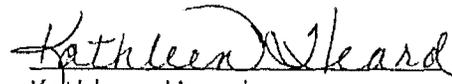

Kathleen Heard
Deputy City Clerk

AFFIDAVIT

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF FOUNTAIN VALLEY}

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, California, do hereby certify that I did cause the foregoing ordinance to be posted and published in an adjudicated paper of general circulation pursuant to law.

WITNESS my hand and seal this 16th day of November 2010.


Kathleen Heard
Deputy City Clerk

CALIFORNIA BUILDING STANDARDS COMMISSION

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



December 21, 2010

Adria Paesani, Deputy Fire Marshal
Fire Department
City of Fountain Valley
10200 Slater Avenue
P.O. Box 8030
Fountain Valley, California 92728-8030

Adria Paesani,

This is to acknowledge receipt of the City of Fountain Valley submittal pertaining to Ordinance No. 1452 with findings on November 29, 2010. As the law states, no local modification or change to the California Building Standards Code (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).

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.)

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

Sincerely,


Jane G. Taylor
Senior Architect

cc: Chron
Local Filings



CITY OF FOUNTAIN VALLEY

FIRE DEPARTMENT

(714) 593-4436 FAX (714) 593-4508

10200 SLATER AVENUE, P.O. BOX 8030, FOUNTAIN VALLEY, CA 92728-8030

November 18, 2010

California Building Standards Commission
2525 Natomas Park Dr., Suite 120
Sacramento, California 95833

RE: Adoption of 2010 California Fire Code

Mr. Dave Walls:

The City of Fountain Valley has adopted the 2010 California Fire Code and 2009 International Fire Code with local amendments.

The City of Fountain Valley has recommended changes and modifications to the 2010 Edition of the California Fire Code and have advised that certain said changes and modifications are reasonably necessary due to local conditions in the City of Fountain Valley and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code or are reasonably necessary to safeguard life and property within the City of Fountain Valley.

The enclosed City Ordinance and Facts and Findings Resolution are for your files.

If you need additional information, please contact me at (714) 593-4430

Sincerely,

Adria Paesani
Deputy Fire Marshal

2010 NOV 29 A 11:03
CALIFORNIA BUILDING
STANDARDS COMMISSION

ORDINANCE NO. 1452

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY REPEALING AND REENACTING TITLE 17 OF THE FOUNTAIN VALLEY MUNICIPAL CODE AND ADOPTING THE 2009 INTERNATIONAL FIRE CODE AND THE 2010 EDITION OF THE CALIFORNIA FIRE CODE INCLUDING APPENDIX CHAPTER 4 AND APPENDICES B, C, E, F, G, J AND THE PROVISIONS SET FORTH IN FOUNTAIN VALLEY MUNICIPAL CODE TITLE 17.

WHEREAS, cities are generally required to adopt the State Building Standards; and

WHEREAS, cities are allowed to make amendments to those state standards when justified by local topographical, climatic and geographical conditions; and

WHEREAS, contemporaneously herewith the City Council has made such findings and directed that they be submitted to the State forthwith;

NOW, THEREFORE, the City Council does hereby ORDAIN as follows:

Section 1. That Title 17 of the Fountain Valley Municipal Code Section is repealed.

Section 2. That Title 17 of the Fountain Valley Municipal Code Section is hereby reenacted to read as follows:

"Title 17

FIRE PREVENTION

Chapter 17.101

FIRE CODE ADOPTED

17.101 CFC Amended. Subject to the particular additions, deletions and amendments hereinafter set forth in this chapter, the rules, regulations, provisions, and conditions set forth in that certain code entitled International Fire Code, 2009 Edition, the 2010 California State Code, including appendices Chapter 4, B, C, E, F, G, and J published by the International Code Conference, and the whole thereof, a full copy of which is on file with the fire chief in book form and which, as so filed, is referred to, adopted and made a part hereof as fully and for all intents and purposes as though set forth herein at length, shall be and the same is established and adopted as the rules, regulations, provisions, and conditions to be observed and followed to govern the maintenance of buildings and

premises; to safeguard life, health, property and public welfare by regulating the storage, use and handling of dangerous and hazardous materials, substances and processes and by regulating the maintenance of adequate egress facilities on any premises within the incorporated area of the city; providing for issuance of permits and collection of fees therefore; and providing penalties for violation of such code; and subject to said additions, deletions and amendments hereinafter set forth, shall be designated, known and referred to as the International Fire Code and the California Fire Code of and for the city.

Chapter 17.108.3

Qualifications

17.108.3 Qualifications – Amended. Notwithstanding Section 108.3 the Board of Appeals shall be the City Manager. If he determines an outside board is needed, he shall designate an outside hearing officer to hear the appeal.

Chapter 17.109.3

Penalty

17.109.3 Penalty - Amended. Any person who violates any provision of this title or who violates or fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved hereunder or who violates any certificate or permit issued hereunder, and from which no appeal has been taken, or who fails to comply with such order as affirmed or modified by the Fountain Valley board of appeals or by a court of competent jurisdiction, within the time fixed herein, shall be guilty of a misdemeanor. 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; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. Violations are punishable as provided in Chapter 1.16 of this Municipal Code.

Chapter 17.202

HIGH RISE BUILDINGS

17.202 CFC General Definitions – Amended. The definition of HIGH RISE BUILDING in the California Fire Code is amended as follows:

High Rise Building is defined as:

1. "Existing high-rise structure" means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.
2. "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet above the lowest floor level having building access (see CBC Section 403.1.2), except buildings used as hospitals as defined in Health and Safety Code Section 1250.
3. "New high-rise structure" means a high-rise structure, the construction of

which is commenced on or after July 1, 1974.'

Chapter 17.503

FIRE ACCESS ROADS

17.503.2.1 Access road dimensions – amended. Section 503.2.1 of the California Fire Code is amended to read as follows:

'503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed minimum width of not less than 25 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.'

17.503.2.3 Access road surface – amended. Section 503.2.3 of the California Fire Code is amended to read as follows:

'503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Calculations and a statement stamped and signed by a registered civil engineer or other qualified registered professional shall certify that the proposed surface and substrate meets the criteria of an all-weather driving surface and is capable of withstanding the minimum weight of 68,000 pounds imposed by FVFD apparatus.'

Chapter 17.901

FALSE ALARMS

17.901.10 False Alarms. False alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

(a) The owner and any person in possession of any building shall be assessed a fee to be set by resolution whenever the Fire Department is required to respond to more than two false alarms during a one-year period consisting of January 1 – December 31 of any given year. Continued false alarms generated from the same location within the same one-year period shall also be assessed a fee set by resolution for each successive false alarm.

(b) Notwithstanding Subsection (a), whenever the Fire Department is required to respond to a false alarm while the system is being repaired or otherwise modified, and the person performing the work has failed to notify the Fire Department in advance that such work was being done, the persons performing the work shall also be assessed a fee set by resolution for each such occurrence.

(c) For purposes of this Section, "false alarm" shall mean the activation of any local or central station alarm because of malfunction, including, but not limited to, mechanical or electrical defects, water surges, or because of improper installation, operation or adjustment of such system. Whenever the Fire Department responds to the location of a

false alarm and finds that there is no evidence of a fire or of external causes beyond the control of the owner or person in possession that may have caused the alarm, the activation shall be presumed to be a false alarm. Not included as a false alarm will be those activations caused by earthquakes or other phenomena beyond the control of the owner or person in possession.

(d) Whenever an owner, person in possession or alarm system workman is notified of such assessment and believes that he should be excused from paying because any occurrences did not constitute a false alarm, as defined above, he or she shall have the right to appeal said assessment to the Fire Chief within ten (10) calendar days of his receipt of the notice of assessment. The Fire Chief is authorized to excuse the assessment if he determines that a false alarm, as defined, did not occur.

(e) Any person, firm or corporation who receives notification of penalties due and fails to pay such penalties within the specified amount of time, no less than 30 days, a 10 percent per month late fee will be assessed until penalties have been paid.

Chapter 17.903

AUTOMATIC FIRE SPRINKLER SYSTEMS

17.903.2 Sprinkler systems required. California Fire Code Section 903.2 is amended to read as follows:

'903.2 Where Required. Automatic Fire Sprinklers shall be provided for the following:

- (a) Notwithstanding any provision in Section 903.2 of the CFC and Section 903.2 of the CBC, approved automatic fire sprinklers shall be installed and maintained in accordance with N.F.P.A., Standard 13, when total square footage equals 3,500 square feet or more throughout all buildings as set forth.
- (b) Any existing building shall retrofit with automatic fire sprinklers when a structure exceeds 3,500 square feet and additions-or tenant improvements are made which exceed thirty (30) percent of the original building square footage.

Chapter 17.3301

FIREWORKS

17.3301.2 Fireworks prohibited. The storage, sale, offer for sale or handling of fireworks is prohibited. The provisions of this section do not apply to fireworks displays conducted in accordance with the provisions of any permit issued pursuant to this chapter and Title 19 of the California Code of Regulations, Chapter 6 -- Fireworks.

17.3301.3 Bond for explosives and/or public fireworks display required. The permittee shall furnish a copy of a public liability and property damage insurance policy with "XCU" or equivalent coverage as approved by City Attorney and a certificate

evidencing coverage in an amount not less than \$1,000,000 per person and \$2,000,000 per occurrence for personal injury. The limit of property damage liability shall be not less than \$1,000,000 for each occurrence as payment for damages to property which may result from or be caused by such public display of fireworks and arising from any acts of the permittee, its agents, employees, or subcontractors presenting such public display. The certificate of insurance shall also be an endorsement and shall provide all of the following:

- (1) That the insurer will not cancel the insurance coverage without 15 days prior written notice to the State Fire Marshal.
- (2) That the City of Fountain Valley and its officers, agents and employees are additionally insured.
- (3) That the insurance provided has at least a B-VI Best's Key Guide rating.

Chapter 17.3404

REMOVAL OF TANKS

17.3404.2.14.1 Fence required. Subsection (7) is added to Section 3404.2.14.1 of the California Fire Code to read:

- (7) A five-foot fence or other means of protection as approved by the Chief shall be provided around any open excavation from which an underground tank has been removed when the cavity is left unprotected overnight.

Chapter 17.3404

FLAMMABLE/ COMBUSTIBLE LIQUID TANKS

17.3404.2.9.6.1 is amended by adding the following table:

Tank distances and capacity limits. The California Fire Code is amended by adding Table 17.3404.2.9.6.1 to read:

| INDIVIDUAL TANK CAPACITY Gallons (liters) | MINIMUM DISTANCE FROM PROPERTY LINE WHICH IS OR CAN BE BUILT UPON, INCLUDING THE OPPOSITE SIDE OF A PUBLIC WAY feet | MINIMUM DISTANCE FROM THE NEAREST SIDE OF ANY PUBLIC WAY OR FROM THE NEAREST IMPORTANT BUILDING ON THE SAME PROPERTY feet | MINIMUM DISTANCE BETWEEN TANKS feet |
|--|---|---|-------------------------------------|
| Less than or equal to 6,000 | 25 | 25 | 3 |
| Greater than 6,000 | 50 | 50 | 3 |

Primary tanks shall not exceed a 6,000-gallon individual or 12,000-gallon aggregate capacity.

**Chapter 17.B105.2
Appendix B**

Appendix B105.2. Amended. The minimum fire flow and flow duration for building other than one- and two-family dwellings shall be as specified in Table B105.1

Exceptions:

1. A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system in accordance with Section 903.3.1.2. the resulting fire flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1.

**Chapter 17.4000
Paramedic Fees**

17.4001. Paramedic Fees.

(a) Paramedic assessment fees are hereby established to be charged in connection with emergency medical services provided by the Fountain Valley fire department. The amount of such fees shall be set by resolution of the city council on the basis of voluntary subscription or actual use of the service.

(b) There shall be two types of user fees as follows:

(1) The "voluntary subscription fee" shall be offered to residents of the city of Fountain Valley on a voluntary basis for the purpose of assuring subscribers they will not incur a higher direct fee should they require an emergency medical assessment. The voluntary subscription fee covers unlimited initial responses and assessments for medical emergencies to a residence, its inhabitants and guests. The voluntary subscription fee does not cover separate advanced life support transport or service fees for services not rendered by the city of Fountain Valley.

(2) The "fee for services" shall be a charge designed to recover costs associated with the delivery of emergency medical assessment to persons that do not participate in the voluntary subscription fee system. Such fee for services shall be based on the actual cost of providing a paramedic assessment of the condition of the patient and covers services by paramedics and/or engine companies of the Fountain Valley fire department, when a transport of the patient occurs. Different fees may be charged residents and nonresidents that reflect the support provided to the fire department provided by general taxes, including property taxes.

(c) Any person requesting or benefitting from the services for which a fee for services is charged shall be jointly and severally civilly liable and indebted to the city of Fountain Valley for such fee for service.

17.4002 Advanced life support fees.

In addition to the paramedic assessment fee, in cases in which a paramedic must accompany the patient to the hospital in an ambulance or other emergency vehicle, an advanced life support fee shall also be charged. The fee for such services shall cover the paramedic time and materials spent providing medical accompaniment to the hospital and providing said accompaniment until the emergency room or other qualified staff of the hospital relieve the paramedic(s) of that responsibility.

17.4003 Fees to be established by resolution.

The city council shall by resolution establish all paramedic assessment fees and advanced life support fees. Said fees shall be billed and collected by the city of Fountain Valley for voluntary subscription or fee for services charges for residents and nonresidents. Advanced life support fees shall also be established by resolution. Such fees shall be established based on an analysis of the estimated reasonable cost of providing those services.

17.4004 Collection of fees.

It shall be the duty of the fire department in coordination with the finance department to collect paramedic assessment fees and advanced life support fees. By contract, some or all of these fees may be collected by outside agencies, including, but not limited to, the city's ambulance provider.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Neither the adoption of this ordinance nor the repeal of any ordinance shall in any manner affect the prosecution of violation of ordinances which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance

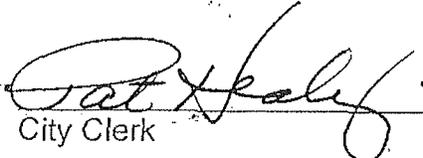
and all rights and obligations thereunder appertaining shall continue in full force and effect.

Section 4. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published as required by law.

This ordinance shall become effective thirty (30) days hereafter and after the State Building Standard Code is effective.

PASSED and ADOPTED this 16th day of November 2010.

ATTEST:

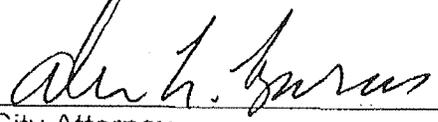


City Clerk



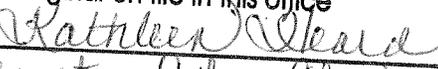
Mayor

APPROVED AS TO FORM:



City Attorney

The Foregoing instrument is a full,
true and correct copy of the
original on file in this office

Attest: 

Deputy City Clerk
City Clerk or Deputy City Clerk
City of Fountain Valley

VOTE

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF FOUNTAIN VALLEY}

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Ordinance was introduced to the Council at its regular meeting held on the 19th day of October 2010, and was adopted at its regular meeting held on the 16th day of November 2010, by the Council by the following roll call vote, to wit:

AYES: Council Members: Nagel, Crandall, Collins, Brothers, Carrozzo
NAYES: Council Members: None
ABSTAIN: Council Members: None


Kathleen Heard
Deputy City Clerk

AFFIDAVIT

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF FOUNTAIN VALLEY}

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, California, do hereby certify that I did cause the foregoing ordinance to be posted and published in an adjudicated paper of general circulation pursuant to law.

WITNESS my hand and seal this 16th day of November 2010.


Kathleen Heard
Deputy City Clerk

RESOLUTION NO. 9274

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF FOUNTAIN VALLEY WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA FIRE CODE AS AMENDED BY THE STATE OF CALIFORNIA REASONABLY NECESSARY FOR PRESERVING FIRE AND LIFE SAFETY IN THE CITY OF FOUNTAIN VALLEY

Section 1: The City Council of the City of Fountain Valley finds and resolves as follow:

WHEREAS, Health and Safety Code Section 17958 provides that the City of Fountain Valley shall adopt Ordinances and regulations imposing the same or modified or changed requirements as are contained in the regulations adopted by the State pursuant to Health and Safety Code Section 17922; and

WHEREAS, the State of California is mandated by Health and Safety Code Section 17922 to impose the same requirements as are contained in the most recent edition of the California Fire Code (hereinafter referred to as "Code"); and

WHEREAS, Health and Safety Code Section 17958.5(a) permits the City to make modifications or changes to the Codes, which are reasonably necessary because of local climatic, geographic or topographic conditions; and

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making any modifications or changes to the Codes, shall make an express finding that such changes or modifications are reasonably necessary because of local climatic, geographic or topographic conditions; and

WHEREAS, the Fire Department has recommended that changes and modifications be made to the Code and have advised that certain said changes and modifications to the California Fire Code, 2010 Edition are reasonably necessary due to local conditions in the City of Fountain Valley.

Amendments related to fire and life-safety contained in Sections 108.3, 109.3, 202, 503.2.1, 503.2.3, 901.10, 903.2, 3301.2, 3301.3, 3404.2.14.1, 3404.2.9.6.1, B105.2 of the 2010 Edition of the California Fire Code as recommended by the Fire Department are hereby found to be reasonably necessary due to the following local conditions.

A. Climatic Conditions

1. Hot, dry Santa Ana winds are common to all areas within the City of Fountain Valley and Orange County in general. These winds, which can cause small fires which spread quickly, are a contributing factor to the high fire danger in the area, and create the need for an increased level of fire protection. This added protection will supplement normal fire department response available and provide

immediate protection for life and safety of multiple occupancy occupants during fire occurrences.

2. Orange County and the City of Fountain Valley are located in a semi-arid Mediterranean type climate which predisposes all fuels to rapid ignition and spread of fire. Therefore, there exists a need for additional fire protection measures.

B. Geographic Conditions

1. Orange County and the City of Fountain Valley are located in Seismic Zone 4. There are earthquake faults that run along both the northeastern and southwestern boundaries of Orange County. The Newport-Inglewood Fault which runs through Orange County was the source of the destructive 1933 Long Beach earthquake which took 120 lives, with areas damaged from Laguna Beach to Marina del Rey and inland to Whittier, and poses one of the greatest hazards to lives and property in the nation. Regional planning for reoccurrence is recommended by the State of California, Department of Conservation. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The fault on which this quake occurred was unknown prior to this activity. The October 17, 1989, Santa Cruz earthquake resulted in only one major San Francisco fire in the Marina district, but when combined with the 34 other fires and over 500 responses, the department was taxed to its full capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. If more fires had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Experts predict a major earthquake in our area within the next 50 years. This situation creates the need for both additional fire protection measures and automatic on-site fire protection for building occupants since a multitude of fires may result from breakage of gas and electric lines as a result of an earthquake. As noted by "Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, 1988, State Department of Conservation," page 59, "unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe";
2. Traffic and circulation congestion presently existing in the City of Fountain Valley often places fire department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake wherein damage to the highway system will occur. This condition makes the need for additional on-site protection for property occupants necessary.
3. The City of Fountain Valley is located in an area subject to a climatic condition of high winds and low humidity. This combination of events creates an environment which is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles greatly impact the response time to reach an incident scene.
4. The City of Fountain Valley is located in the middle of the seismically active area identified as Seismic Zone 4. The viability of the public water system would be

questionable at best after a major seismic event. This would leave tall buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of any available water to floors above the 55-foot level. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors.

5. The City of Fountain Valley is located, at its southernmost part, approximately six miles from the ocean. The city's typical ground water level is at ten feet with the southernmost part of the city at levels as shallow as six to eight feet. This condition makes the City more prone to subsidence issues than most inland communities.

Section 2: Amendments to the 2010 Edition of the California Fire Code are found reasonably necessary based on the climatic and/or geographic conditions cited in Section 1 of this Resolution and are listed as follows:

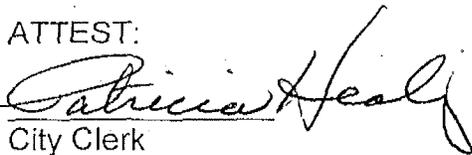
| <u>Code Section</u> | <u>Findings in Section 1</u> |
|---------------------|------------------------------|
| 17.101 | Administrative |
| 17.108.3 | Administrative |
| 17.109.3 | Administrative |
| 17.202 | B1, B2, B4, B5 |
| 17.503 | B2, B5 |
| 17.901 | Administrative |
| 17.903 | A1, A2, B1, B2, B3, B4 |
| 17.3404 | B2, B5 |
| 17.B105.2 | A1, A2, B1, B2, B3, B4 |

The aforementioned amendments have been incorporated in detail in Ordinance No. _____.

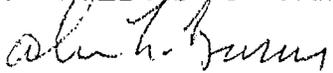
Section 3: The Fire Department shall file copies of Resolution No. _____ and Ordinance No. 1452 with the California Building Standards Commission as required by Health and Safety Code Section 17958.7.

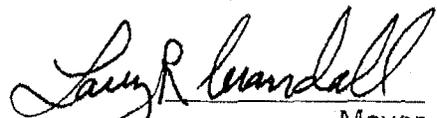
PASSED, APPROVED AND ADOPTED THIS 16TH DAY OF NOVEMBER 2010.

ATTEST:

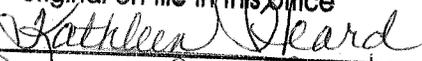

 City Clerk

APPROVED AS TO FORM


 City Attorney


 Mayor

The foregoing instrument is a full, true and correct copy of the original on file in this office

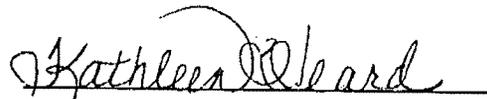
Attest: 
 Deputy City Clerk
 City Clerk or Deputy City Clerk
 City of Fountain Valley

VOTE

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss.
CITY OF FOUNTAIN VALLEY)

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Resolution was adopted at the Council meeting held on the 19th day of October 2010 by the following vote, to wit:

AYES: NAGEL, BROTHERS, CRANDALL, CARROZZO COLLINS
ABSENT: NONE
NOES: NONE


Kathleen Heard, Deputy City Clerk

CALIFORNIA BUILDING STANDARDS COMMISSION

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



December 21, 2010

Adria Paesani, Deputy Fire Marshal
Fire Department
City of Fountain Valley
10200 Slater Avenue
P.O. Box 8030
Fountain Valley, California 92728-8030

Adria Paesani,

This is to acknowledge receipt of the City of Fountain Valley submittal pertaining to Ordinance No. 1452 with findings on November 29, 2010. As the law states, no local modification or change to the California Building Standards Code (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).

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.)

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

Sincerely,


Jane G. Taylor
Senior Architect

cc: Chron
Local Filings



CITY OF FOUNTAIN VALLEY

FIRE DEPARTMENT

(714) 593-4436 FAX (714) 593-4508

10200 SLATER AVENUE, P.O. BOX 8030, FOUNTAIN VALLEY, CA 92728-8030

November 18, 2010

California Building Standards Commission
2525 Natomas Park Dr., Suite 120
Sacramento, California 95833

RE: Adoption of 2010 California Fire Code

Mr. Dave Walls:

The City of Fountain Valley has adopted the 2010 California Fire Code and 2009 International Fire Code with local amendments.

The City of Fountain Valley has recommended changes and modifications to the 2010 Edition of the California Fire Code and have advised that certain said changes and modifications are reasonably necessary due to local conditions in the City of Fountain Valley and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code or are reasonably necessary to safeguard life and property within the City of Fountain Valley.

The enclosed City Ordinance and Facts and Findings Resolution are for your files.

If you need additional information, please contact me at (714) 593-4430

Sincerely,

Adria Paesani
Deputy Fire Marshal

2010 NOV 29 A 11:03
CALIFORNIA BUILDING
STANDARDS COMMISSION

ORDINANCE NO. 1452

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY REPEALING AND REENACTING TITLE 17 OF THE FOUNTAIN VALLEY MUNICIPAL CODE AND ADOPTING THE 2009 INTERNATIONAL FIRE CODE AND THE 2010 EDITION OF THE CALIFORNIA FIRE CODE INCLUDING APPENDIX CHAPTER 4 AND APPENDICES B, C, E, F, G, J AND THE PROVISIONS SET FORTH IN FOUNTAIN VALLEY MUNICIPAL CODE TITLE 17.

WHEREAS, cities are generally required to adopt the State Building Standards; and

WHEREAS, cities are allowed to make amendments to those state standards when justified by local topographical, climatic and geographical conditions; and

WHEREAS, contemporaneously herewith the City Council has made such findings and directed that they be submitted to the State forthwith;

NOW, THEREFORE, the City Council does hereby ORDAIN as follows:

Section 1. That Title 17 of the Fountain Valley Municipal Code Section is repealed.

Section 2. That Title 17 of the Fountain Valley Municipal Code Section is hereby reenacted to read as follows:

"Title 17

FIRE PREVENTION

Chapter 17.101

FIRE CODE ADOPTED

17.101 CFC Amended. Subject to the particular additions, deletions and amendments hereinafter set forth in this chapter, the rules, regulations, provisions, and conditions set forth in that certain code entitled International Fire Code, 2009 Edition, the 2010 California State Code, including appendices Chapter 4, B, C, E, F, G, and J published by the International Code Conference, and the whole thereof, a full copy of which is on file with the fire chief in book form and which, as so filed, is referred to, adopted and made a part hereof as fully and for all intents and purposes as though set forth herein at length, shall be and the same is established and adopted as the rules, regulations, provisions, and conditions to be observed and followed to govern the maintenance of buildings and

premises; to safeguard life, health, property and public welfare by regulating the storage, use and handling of dangerous and hazardous materials, substances and processes and by regulating the maintenance of adequate egress facilities on any premises within the incorporated area of the city; providing for issuance of permits and collection of fees therefore; and providing penalties for violation of such code; and subject to said additions, deletions and amendments hereinafter set forth, shall be designated, known and referred to as the International Fire Code and the California Fire Code of and for the city.

Chapter 17.108.3

Qualifications

17.108.3 Qualifications – Amended. Notwithstanding Section 108.3 the Board of Appeals shall be the City Manager. If he determines an outside board is needed, he shall designate an outside hearing officer to hear the appeal.

Chapter 17.109.3

Penalty

17.109.3 Penalty - Amended. Any person who violates any provision of this title or who violates or fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved hereunder or who violates any certificate or permit issued hereunder, and from which no appeal has been taken, or who fails to comply with such order as affirmed or modified by the Fountain Valley board of appeals or by a court of competent jurisdiction, within the time fixed herein, shall be guilty of a misdemeanor. 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; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. Violations are punishable as provided in Chapter 1.16 of this Municipal Code.

Chapter 17.202

HIGH RISE BUILDINGS

17.202 CFC General Definitions – Amended. The definition of HIGH RISE BUILDING in the California Fire Code is amended as follows:

High Rise Building is defined as:

1. "Existing high-rise structure" means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.
2. "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet above the lowest floor level having building access (see CBC Section 403.1.2), except buildings used as hospitals as defined in Health and Safety Code Section 1250.
3. "New high-rise structure" means a high-rise structure, the construction of

which is commenced on or after July 1, 1974.'

Chapter 17.503

FIRE ACCESS ROADS

17.503.2.1 Access road dimensions – amended. Section 503.2.1 of the California Fire Code is amended to read as follows:

'503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed minimum width of not less than 25 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.'

17.503.2.3 Access road surface – amended. Section 503.2.3 of the California Fire Code is amended to read as follows:

'503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Calculations and a statement stamped and signed by a registered civil engineer or other qualified registered professional shall certify that the proposed surface and substrate meets the criteria of an all-weather driving surface and is capable of withstanding the minimum weight of 68,000 pounds imposed by FVFD apparatus.'

Chapter 17.901

FALSE ALARMS

17.901.10 False Alarms. False alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

(a) The owner and any person in possession of any building shall be assessed a fee to be set by resolution whenever the Fire Department is required to respond to more than two false alarms during a one-year period consisting of January 1 – December 31 of any given year. Continued false alarms generated from the same location within the same one-year period shall also be assessed a fee set by resolution for each successive false alarm.

(b) Notwithstanding Subsection (a), whenever the Fire Department is required to respond to a false alarm while the system is being repaired or otherwise modified, and the person performing the work has failed to notify the Fire Department in advance that such work was being done, the persons performing the work shall also be assessed a fee set by resolution for each such occurrence.

(c) For purposes of this Section, "false alarm" shall mean the activation of any local or central station alarm because of malfunction, including, but not limited to, mechanical or electrical defects, water surges, or because of improper installation, operation or adjustment of such system. Whenever the Fire Department responds to the location of a

false alarm and finds that there is no evidence of a fire or of external causes beyond the control of the owner or person in possession that may have caused the alarm, the activation shall be presumed to be a false alarm. Not included as a false alarm will be those activations caused by earthquakes or other phenomena beyond the control of the owner or person in possession.

(d) Whenever an owner, person in possession or alarm system workman is notified of such assessment and believes that he should be excused from paying because any occurrences did not constitute a false alarm, as defined above, he or she shall have the right to appeal said assessment to the Fire Chief within ten (10) calendar days of his receipt of the notice of assessment. The Fire Chief is authorized to excuse the assessment if he determines that a false alarm, as defined, did not occur.

(e) Any person, firm or corporation who receives notification of penalties due and fails to pay such penalties within the specified amount of time, no less than 30 days, a 10 percent per month late fee will be assessed until penalties have been paid.

Chapter 17.903

AUTOMATIC FIRE SPRINKLER SYSTEMS

17.903.2 Sprinkler systems required. California Fire Code Section 903.2 is amended to read as follows:

'903.2 Where Required. Automatic Fire Sprinklers shall be provided for the following:

- (a) Notwithstanding any provision in Section 903.2 of the CFC and Section 903.2 of the CBC, approved automatic fire sprinklers shall be installed and maintained in accordance with N.F.P.A., Standard 13, when total square footage equals 3,500 square feet or more throughout all buildings as set forth.
- (b) Any existing building shall retrofit with automatic fire sprinklers when a structure exceeds 3,500 square feet and additions-or tenant improvements are made which exceed thirty (30) percent of the original building square footage.

Chapter 17.3301

FIREWORKS

17.3301.2 Fireworks prohibited. The storage, sale, offer for sale or handling of fireworks is prohibited. The provisions of this section do not apply to fireworks displays conducted in accordance with the provisions of any permit issued pursuant to this chapter and Title 19 of the California Code of Regulations, Chapter 6 -- Fireworks.

17.3301.3 Bond for explosives and/or public fireworks display required. The permittee shall furnish a copy of a public liability and property damage insurance policy with "XCU" or equivalent coverage as approved by City Attorney and a certificate

evidencing coverage in an amount not less than \$1,000,000 per person and \$2,000,000 per occurrence for personal injury. The limit of property damage liability shall be not less than \$1,000,000 for each occurrence as payment for damages to property which may result from or be caused by such public display of fireworks and arising from any acts of the permittee, its agents, employees, or subcontractors presenting such public display. The certificate of insurance shall also be an endorsement and shall provide all of the following:

- (1) That the insurer will not cancel the insurance coverage without 15 days prior written notice to the State Fire Marshal.
- (2) That the City of Fountain Valley and its officers, agents and employees are additionally insured.
- (3) That the insurance provided has at least a B-VI Best's Key Guide rating.

Chapter 17.3404

REMOVAL OF TANKS

17.3404.2.14.1 Fence required. Subsection (7) is added to Section 3404.2.14.1 of the California Fire Code to read:

- (7) A five-foot fence or other means of protection as approved by the Chief shall be provided around any open excavation from which an underground tank has been removed when the cavity is left unprotected overnight.

Chapter 17.3404

FLAMMABLE/ COMBUSTIBLE LIQUID TANKS

17.3404.2.9.6.1 is amended by adding the following table:

Tank distances and capacity limits. The California Fire Code is amended by adding Table 17.3404.2.9.6.1 to read:

| INDIVIDUAL TANK CAPACITY Gallons (liters) | MINIMUM DISTANCE FROM PROPERTY LINE WHICH IS OR CAN BE BUILT UPON, INCLUDING THE OPPOSITE SIDE OF A PUBLIC WAY feet | MINIMUM DISTANCE FROM THE NEAREST SIDE OF ANY PUBLIC WAY OR FROM THE NEAREST IMPORTANT BUILDING ON THE SAME PROPERTY feet | MINIMUM DISTANCE BETWEEN TANKS feet |
|--|---|---|-------------------------------------|
| Less than or equal to 6,000 | 25 | 25 | 3 |
| Greater than 6,000 | 50 | 50 | 3 |

Primary tanks shall not exceed a 6,000-gallon individual or 12,000-gallon aggregate capacity.

**Chapter 17.B105.2
Appendix B**

Appendix B105.2. Amended. The minimum fire flow and flow duration for building other than one- and two-family dwellings shall be as specified in Table B105.1

Exceptions:

1. A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system in accordance with Section 903.3.1.2. the resulting fire flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1.

**Chapter 17.4000
Paramedic Fees**

17.4001. Paramedic Fees.

(a) Paramedic assessment fees are hereby established to be charged in connection with emergency medical services provided by the Fountain Valley fire department. The amount of such fees shall be set by resolution of the city council on the basis of voluntary subscription or actual use of the service.

(b) There shall be two types of user fees as follows:

(1) The "voluntary subscription fee" shall be offered to residents of the city of Fountain Valley on a voluntary basis for the purpose of assuring subscribers they will not incur a higher direct fee should they require an emergency medical assessment. The voluntary subscription fee covers unlimited initial responses and assessments for medical emergencies to a residence, its inhabitants and guests. The voluntary subscription fee does not cover separate advanced life support transport or service fees for services not rendered by the city of Fountain Valley.

(2) The "fee for services" shall be a charge designed to recover costs associated with the delivery of emergency medical assessment to persons that do not participate in the voluntary subscription fee system. Such fee for services shall be based on the actual cost of providing a paramedic assessment of the condition of the patient and covers services by paramedics and/or engine companies of the Fountain Valley fire department, when a transport of the patient occurs. Different fees may be charged residents and nonresidents that reflect the support provided to the fire department provided by general taxes, including property taxes.

(c) Any person requesting or benefitting from the services for which a fee for services is charged shall be jointly and severally civilly liable and indebted to the city of Fountain Valley for such fee for service.

17.4002 Advanced life support fees.

In addition to the paramedic assessment fee, in cases in which a paramedic must accompany the patient to the hospital in an ambulance or other emergency vehicle, an advanced life support fee shall also be charged. The fee for such services shall cover the paramedic time and materials spent providing medical accompaniment to the hospital and providing said accompaniment until the emergency room or other qualified staff of the hospital relieve the paramedic(s) of that responsibility.

17.4003 Fees to be established by resolution.

The city council shall by resolution establish all paramedic assessment fees and advanced life support fees. Said fees shall be billed and collected by the city of Fountain Valley for voluntary subscription or fee for services charges for residents and nonresidents. Advanced life support fees shall also be established by resolution. Such fees shall be established based on an analysis of the estimated reasonable cost of providing those services.

17.4004 Collection of fees.

It shall be the duty of the fire department in coordination with the finance department to collect paramedic assessment fees and advanced life support fees. By contract, some or all of these fees may be collected by outside agencies, including, but not limited to, the city's ambulance provider.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Neither the adoption of this ordinance nor the repeal of any ordinance shall in any manner affect the prosecution of violation of ordinances which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance

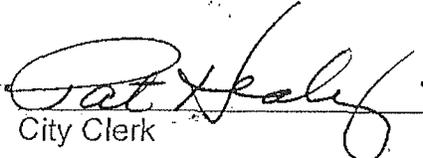
and all rights and obligations thereunder appertaining shall continue in full force and effect.

Section 4. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published as required by law.

This ordinance shall become effective thirty (30) days hereafter and after the State Building Standard Code is effective.

PASSED and ADOPTED this 16th day of November 2010.

ATTEST:

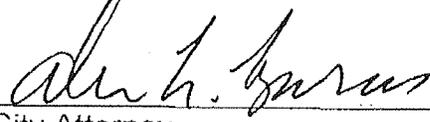


City Clerk



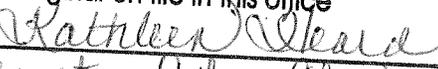
Mayor

APPROVED AS TO FORM:



City Attorney

The Foregoing instrument is a full,
true and correct copy of the
original on file in this office

Attest: 

Deputy City Clerk
City Clerk or Deputy City Clerk
City of Fountain Valley

VOTE

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF FOUNTAIN VALLEY}

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Ordinance was introduced to the Council at its regular meeting held on the 19th day of October 2010, and was adopted at its regular meeting held on the 16th day of November 2010, by the Council by the following roll call vote, to wit:

AYES: Council Members: Nagel, Crandall, Collins, Brothers, Carrozzo
NAYES: Council Members: None
ABSTAIN: Council Members: None


Kathleen Heard
Deputy City Clerk

AFFIDAVIT

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF FOUNTAIN VALLEY}

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, California, do hereby certify that I did cause the foregoing ordinance to be posted and published in an adjudicated paper of general circulation pursuant to law.

WITNESS my hand and seal this 16th day of November 2010.


Kathleen Heard
Deputy City Clerk

RESOLUTION NO. 9274

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF FOUNTAIN VALLEY WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA FIRE CODE AS AMENDED BY THE STATE OF CALIFORNIA REASONABLY NECESSARY FOR PRESERVING FIRE AND LIFE SAFETY IN THE CITY OF FOUNTAIN VALLEY

Section 1: The City Council of the City of Fountain Valley finds and resolves as follow:

WHEREAS, Health and Safety Code Section 17958 provides that the City of Fountain Valley shall adopt Ordinances and regulations imposing the same or modified or changed requirements as are contained in the regulations adopted by the State pursuant to Health and Safety Code Section 17922; and

WHEREAS, the State of California is mandated by Health and Safety Code Section 17922 to impose the same requirements as are contained in the most recent edition of the California Fire Code (hereinafter referred to as "Code"); and

WHEREAS, Health and Safety Code Section 17958.5(a) permits the City to make modifications or changes to the Codes, which are reasonably necessary because of local climatic, geographic or topographic conditions; and

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making any modifications or changes to the Codes, shall make an express finding that such changes or modifications are reasonably necessary because of local climatic, geographic or topographic conditions; and

WHEREAS, the Fire Department has recommended that changes and modifications be made to the Code and have advised that certain said changes and modifications to the California Fire Code, 2010 Edition are reasonably necessary due to local conditions in the City of Fountain Valley.

Amendments related to fire and life-safety contained in Sections 108.3, 109.3, 202, 503.2.1, 503.2.3, 901.10, 903.2, 3301.2, 3301.3, 3404.2.14.1, 3404.2.9.6.1, B105.2 of the 2010 Edition of the California Fire Code as recommended by the Fire Department are hereby found to be reasonably necessary due to the following local conditions.

A. Climatic Conditions

1. Hot, dry Santa Ana winds are common to all areas within the City of Fountain Valley and Orange County in general. These winds, which can cause small fires which spread quickly, are a contributing factor to the high fire danger in the area, and create the need for an increased level of fire protection. This added protection will supplement normal fire department response available and provide

immediate protection for life and safety of multiple occupancy occupants during fire occurrences.

2. Orange County and the City of Fountain Valley are located in a semi-arid Mediterranean type climate which predisposes all fuels to rapid ignition and spread of fire. Therefore, there exists a need for additional fire protection measures.

B. Geographic Conditions

1. Orange County and the City of Fountain Valley are located in Seismic Zone 4. There are earthquake faults that run along both the northeastern and southwestern boundaries of Orange County. The Newport-Inglewood Fault which runs through Orange County was the source of the destructive 1933 Long Beach earthquake which took 120 lives, with areas damaged from Laguna Beach to Marina del Rey and inland to Whittier, and poses one of the greatest hazards to lives and property in the nation. Regional planning for reoccurrence is recommended by the State of California, Department of Conservation. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The fault on which this quake occurred was unknown prior to this activity. The October 17, 1989, Santa Cruz earthquake resulted in only one major San Francisco fire in the Marina district, but when combined with the 34 other fires and over 500 responses, the department was taxed to its full capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. If more fires had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Experts predict a major earthquake in our area within the next 50 years. This situation creates the need for both additional fire protection measures and automatic on-site fire protection for building occupants since a multitude of fires may result from breakage of gas and electric lines as a result of an earthquake. As noted by "Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, 1988, State Department of Conservation," page 59, "unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe";
2. Traffic and circulation congestion presently existing in the City of Fountain Valley often places fire department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake wherein damage to the highway system will occur. This condition makes the need for additional on-site protection for property occupants necessary.
3. The City of Fountain Valley is located in an area subject to a climatic condition of high winds and low humidity. This combination of events creates an environment which is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles greatly impact the response time to reach an incident scene.
4. The City of Fountain Valley is located in the middle of the seismically active area identified as Seismic Zone 4. The viability of the public water system would be

questionable at best after a major seismic event. This would leave tall buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of any available water to floors above the 55-foot level. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors.

5. The City of Fountain Valley is located, at its southernmost part, approximately six miles from the ocean. The city's typical ground water level is at ten feet with the southernmost part of the city at levels as shallow as six to eight feet. This condition makes the City more prone to subsidence issues than most inland communities.

Section 2: Amendments to the 2010 Edition of the California Fire Code are found reasonably necessary based on the climatic and/or geographic conditions cited in Section 1 of this Resolution and are listed as follows:

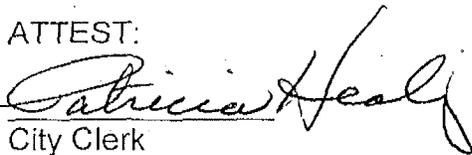
| <u>Code Section</u> | <u>Findings in Section 1</u> |
|---------------------|------------------------------|
| 17.101 | Administrative |
| 17.108.3 | Administrative |
| 17.109.3 | Administrative |
| 17.202 | B1, B2, B4, B5 |
| 17.503 | B2, B5 |
| 17.901 | Administrative |
| 17.903 | A1, A2, B1, B2, B3, B4 |
| 17.3404 | B2, B5 |
| 17.B105.2 | A1, A2, B1, B2, B3, B4 |

The aforementioned amendments have been incorporated in detail in Ordinance No. _____.

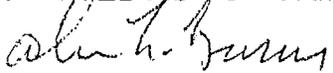
Section 3: The Fire Department shall file copies of Resolution No. _____ and Ordinance No. 1452 with the California Building Standards Commission as required by Health and Safety Code Section 17958.7.

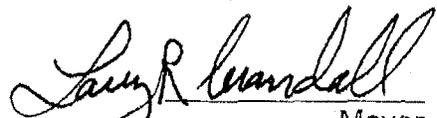
PASSED, APPROVED AND ADOPTED THIS 16TH DAY OF NOVEMBER 2010.

ATTEST:

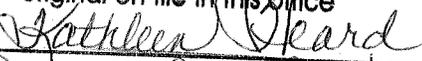

 City Clerk

APPROVED AS TO FORM


 City Attorney


 Mayor

The foregoing instrument is a full, true and correct copy of the original on file in this office

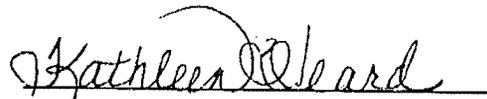
Attest: 
 Deputy City Clerk
 City Clerk or Deputy City Clerk
 City of Fountain Valley

VOTE

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss.
CITY OF FOUNTAIN VALLEY)

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Resolution was adopted at the Council meeting held on the 19th day of October 2010 by the following vote, to wit:

AYES: NAGEL, BROTHERS, CRANDALL, CARROZZO COLLINS
ABSENT: NONE
NOES: NONE


Kathleen Heard, Deputy City Clerk