

BUILDING STANDARDS COMMISSION

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



October 17, 2011

Ken Deluna, Building Official
Building Division
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Dear Mr. Deluna:

This letter is to acknowledge receipt on October 12, 2011 of the City of Morgan Hill electronic submittal pertaining to Ordinance No. 2000 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", is written over a horizontal line.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

Day, Kevin@DGS

From: Ken Deluna [Ken.Deluna@morganhill.ca.gov]
Sent: Wednesday, October 12, 2011 11:04 AM
To: OrdinanceFilings@DGS
Subject: FW: Ordinance 2000
Attachments: Building Code Revisions final.2010 (3).docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Not sure why this adoption paper work was not forwarded to you for the 2010 CBC.

Please let me know if you have any questions.

Thanks



Ken Deluna | Building Division | Building Official
City of Morgan Hill | 17575 Peak Avenue | Morgan Hill, CA 95037
☎ 408.778.6480 | 📠 408.779.7236 | ✉ ken.deluna@morganhill.ca.gov

From: Elizabeth Bassett
Sent: Wednesday, October 12, 2011 10:50 AM
To: Ken Deluna
Subject: Ordinance 2000

The last version I had with revisions is attached. Is this what you're looking for?
Elizabeth

Elizabeth Bassett | Building Division | Development Services Technician
City of Morgan Hill | 17575 Peak Avenue | Morgan Hill, CA 95037
☎ 408.778.6480 | 📠 408.779.7236 | ✉ elizabeth.bassett@morganhill.ca.gov

ORDINANCE NO. 2000

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) TO ADOPT BY REFERENCE THE 2010 CALIFORNIA STATE BUILDING STANDARDS CODE KNOWN AND DESIGNATED AS CALIFORNIA CODE OF REGULATIONS, TITLE 24 AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND TO AMEND, DELETE AND ADD CERTAIN OTHER BUILDING AND CONSTRUCTION STANDARDS

~~THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA DOES ORDAIN AS FOLLOWS:~~

WHEREAS, Health and Safety Code Section 17922 requires that the state adopt building standards and rules and regulations ("State Building Standards Code") and that such State Building Standards Code impose substantially the same requirements as are contained in the most recent editions of specified uniform industry codes; and

WHEREAS, Health and Safety Code Section 17958 allows the City Council to adopt ordinances or regulations which impose the same requirements as the State Building Standards Code, or make changes or modifications to the Building Standards upon express findings that that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the Building Standards, along with any changes or modifications made by the City Council, become effective 180 days after publication by the California Building Standards Commissions; and

WHEREAS, the City Council desires to adopt the 2010 State Building Standards Code as published by the California Building Standards Commissions, along with changes and modifications reasonably necessary because of local climatic, geological, or topographical conditions, based on findings set forth in this ordinance; and

WHEREAS, the City building official has determined that the local amendments to the State Building Standards Codes are necessary due to unique conditions exist in the City of Morgan Hill ; and

WHEREAS, the 2010 Building Standards makes unnecessary and duplicative certain provisions of the Municipal Code, which provisions are deleted or amended as set forth in this ordinance.

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: PURPOSE

The purpose of this Ordinance is to adopt the 2010 State Building Standards Code and to make changes and modifications to the State Building Standards Code as deemed reasonably necessary because of local climatic, geological, or topographical conditions. The Ordinance sets for the findings of the City Council that the changes and modifications are based on. The Ordinance additionally adopts certain other building standards and deleted certain redundant provisions.

SECTION 2: AUTHORITY

Action to adopt this Ordinance is taken pursuant to California Health and Safety Code Section 17958, 17958.5 and 17958.7.

SECTION 3: Chapter 15.04 (Administrative Code) of Title 15 (Buildings and Construction) is hereby repealed and deleted in its entirety.

SECTION 4: Chapter 15.08 (Building Code) of Title 15 (Buildings and Construction) is hereby amended to read:

Chapter 15.08 BUILDING CODE

Sections:

- 15.08.010 Adoption of the 2010 California Building Code and the California Residential Code.**
- 15.08.020 Short title.**
- 15.08.030 Scope, organization, enforcement, fees and inspections.**
- 15.08.040 Additions, amendments and deletions.**
- 15.08.050 Sections 1505.1.4.1 and R902.1.1.11 added – Construction of roof in Wildland-Urban interface Areas.**
- 15.08.060 Section R313.1 and R313.2 amended – Sprinkler system requirements.**
- 15.08.080 Building over utility easements.**
- 15.08.090 Section 310.1 amended--Single-room occupancies (SRO).**
- 15.08.100 Section 2308.9.3 Item 5, deleted--Gypsum board and Item 7, deleted--Portland cement.**
- 15.08.120 Section 1910.1 amended--Minimum slab thickness.**
- 15.08.130 Section 1805 amended--Footing and foundations.**
- 15.08.140 Violation--Penalty.**

15.08.010 Adoption of the 2010 California Building Code, 2010 California Residential Code and other parts of the State Building Standards Code.

There is hereby adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Parts 1, 2, 2.5, 7, 8, and 10 as published by the California Building Standards Commission as further described and including the following:

2010 California Administrative Code (California Code of Regulations Title 24, Part 1)

2010 California Building Code (California Code of Regulations Title 24, Part 2) based on the 2009 International Building Code® as prepared by the International Code Council, and as amended by the State of California

2010 California Residential Code (California Code of Regulations Title 24, Part 2.5) based on the 2009 International Residential Code® as prepared by the international Code Council, and as amended by the State of California

2010 California Elevator Safety Construction Code (California Code of Regulations Title 24, Part 7)

2010 California Historical Building Code (California Code of Regulations Title 24, Part 8)

2010 California Existing Building Code (California Code of Regulations Title 24, Part 10) based on the 2009 International Existing Building Code® as prepared by the International Code Council, and as amended by the State of California

Such code shall include those sections requiring enforcement by the local building department, and as further amended by the City of Morgan Hill with provisions intended to address local climatic, geologic, and topographic conditions, as permitted by State law. Adoption of said code shall include the adoption of Appendices B, I, and J contained in the 2010 California Building Code.

Such Code shall be and become the City of Morgan Hill Building Code, regulating the erection, construction, alteration, repair, relocation, demolition, occupancy, use, height, area, and maintenance of all buildings and structures, and certain equipment therein specifically regulated. The provisions of said code shall provide for the issuance of permits and certificates of occupancy, and collection of fees thereof, and providing penalties for violation of such Code.

At least one copy of the City of Morgan Hill Building Code has been deposited in the office of the City building official, and is available for public inspection.

15.08.020 Short title.

This chapter shall be known as the Building Code and may be cited as such.

15.08.030 Scope, organization, enforcement, fees and inspections.

The scope, organization, enforcement, fees and inspections shall comply with those set forth in the 2010 California Building Code. The building official shall use the Building Valuation Data from the Building Standards publication for "cost per square foot." For residential construction, two general classes, one for "average" and one for "good" construction will be used by the building official with adjustments for special architectural or structural features and location of the project.

15.08.040 Additions, amendments and deletions.

The following provisions of the California Building Code and California Residential Code shall be added, amended or deleted:

A. The following sections in the California Building Code are added by this chapter: 505.1.4.1; The following sections in the California Residential Code are added by this chapter: R902.1.4.1.

B. The following sections in the California Residential Code are amended by this chapter:
R313.1, R313.2,

15.08.050 Sections 1505.1.4.1 and R902.1.1.11 added – Construction of roof in Wildland-Urban interface Areas.

A. Section 1505.1.4.1 is added to the California Building Code to read:

1505.1.4.1 Roofing coverings within the Wildland-Urban Interface Fire Area.

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 A.

B. Section R902.1.4.11 is added to the California Residential Code to read:

R902.1.4.11 Roof coverings within the Wildland-Urban Interface Fire Area.

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 A.

C. Findings.

1. The council finds and declares that the areas as defined in the open space and conservation element of the General Plan are considered a hazardous fire area and that it is, therefore, necessary to establish special minimum fire-resistive requirements in these areas for the protection of life and property. The fire hazard of untreated wood roofs has long been recognized by the National Fire Protection Association. The city foothills cause many problems for firefighters including long response times, inadequate water supply and unlimited fuel. The city is in a region which experiences high winds and low humidity during summer months. Winter rains promote the growth of grass and brush. This vegetation presents heavy dry fuel loads in the summer months. These conditions are conducive to the ready ignition, propagation and spread of grass, brush and structure fires. Fog, heavy rains, mud slides and earthquakes are other common occurrences which negatively affect the ability of the city's public safety resources to respond to emergency situations. The topography of Morgan Hill has hillside homes on each side of the city with long response time for safety equipment. The city is in a Category D seismic activity classification. Many traffic corridors such as Highway 101 and Monterey Road, Southern Pacific Railroad, related bridges, underpasses and crossings are subject to obstruction in the event of an earthquake, traffic accident, hazardous material spill or other disaster.

2. Any of the above factors could quickly exhaust the fire district's resources and prevent the assistance of mutual aid resources. Therefore, Class A roofing would provide the fire protection needed through this amendment.

15.08.060 Section R313.1 and R313.2 amended – Sprinkler system requirements.

A. Section R313.1 from the California Residential Code is hereby amended to read:

R313.1: Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in all new townhouses and in existing townhouses when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area.

B. Section R313.2 from the California Building Code is hereby amended to read:

R313.2 One- and two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows:

1. In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area.

2. In all new basements and in existing basements that are expanded.

Exception: Existing basements that are expanded by not more than 50%.

C. Findings

The City of Morgan Hill experiences low humidity, high winds and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush and structure fires; and the remoteness and steepness of hillside areas in the City significantly impact the ability of emergency responders to extinguish or control wildland or structure fires; and these factors cumulatively mandate special provisions for the creation of defensible space around homes and ignition resistant construction.

15.08.070 Section 903.1 amended--Fire flow requirements deleted.

15.08.080 Building over utility easements.

It is unlawful for any person, firm or corporation to erect, construct or maintain any building, garage, carport, storage shed or other similar building over or within the boundary of any public easement. "Public utility easement" as used in this section includes any easement for a gas line, water line, storm drainage line, buried or overhead electrical or telephone lines.

15.08.090 Section 310.1 amended--Single-room occupancies (SRO).

A. Section 310.1 of the 2010 California Building Code, is hereby amended to read:

The SRO unit shall have a living room of not less than 150 square feet (13.9m²) of superficial floor area. An additional 100 square feet (9.3m²) of superficial floor area shall be provided for each occupant of such SRO unit in excess of two.

The SRO unit shall be provided with a separate closet.

The SRO unit may be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light, ventilation and emergency egress conforming to this code shall be provided.

Every building shall be provided with at least one water closet. Every hotel or subdivision thereof where both sexes are accommodated shall contain at least two separate toilet facilities which are conspicuously identified for male and female use, each of which contains at least one water closet.

EXCEPTION: Hotel guest rooms may have one unidentified toilet facility.

Additional water closets shall be provided on each floor for each sex at the rate of one for every additional ten guests, or fractional part thereof, in excess of ten.

Every SRO unit shall be provided with a kitchen equipped with a kitchen sink; however, that single room occupancy living unit facilities and single room occupancy residential hotels may contain partial kitchen facilities so long as a sink is provided and laundry facilities and kitchen facilities are provided on each floor accessible from a public hallway.

Every SRO unit and every lodging house shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory and either a bathtub or shower; however, that single room occupancy residential hotels may contain partial bathroom facilities. If individual bath facilities are not provided, common bath facilities must be provided as follows:

Where private water closets, lavatories and baths are not provided, there shall be provided on each floor, for each sex, at least one water closet and lavatory and one bath, accessible from a public hallway. Additional water closets, lavatories and baths shall be provided on each floor for each sex at the rate of one for every additional ten guests or fractional number thereof in excess of ten. Such facilities shall be clearly marked for "men" or "women." As an alternative, adequate unisex facilities may be provided. Each sink, lavatory and either a bathtub or shower shall be equipped with hot and cold running water necessary for its normal operation.

When SRO units are required by state law to be accessible or adaptable, see appropriate sections of state law for access requirements.

B. This amendment is made pursuant to the authority set forth in California Health and Safety Code Section 17958.1.

15.08.100 Section 2308.9.3 Item 5, Gypsum board and Item 7, Portland cement.

A. The following provision is hereby deleted: Section 2308.9.3, Item 5 and Item 7 of the 2010 California Building Code which allows the use of gypsum board and Portland cement for wall bracing.

B. Findings. The city is in a Category D seismic activity classification. Gypsum wallboard and exterior Portland cement plaster have performed poorly during California seismic events. Shear values for gypsum wallboard and Portland cement stucco contained in the code are based on monodirectional testing. It is appropriate to eliminate the use of these materials until cyclic loading tests are performed and evaluated.

15.08.120 Section 1910.1 amended--Minimum slab thickness.

A. Section 1910.1 of the 2010 California Building Code is amended as follows:

(a) General: The minimum thickness of concrete floor slabs supported on base rock shall not be less than 3- 1/2" thick. The slab shall be reinforced with not less than six inches by six inches ten-gauge wire mesh or an approved alternate installed at mid height of the slab over 4" of approved base or as designed by a licensed professional engineer.

B. Findings. To avoid damage due to soil expansion, shrinkage and seismic activity which causes damage to concrete slab flooring throughout the city. Imposing the above requirements eliminates the need for a soils report for some small projects.

15.08.130 Section 1805 amended--Footing and foundations.

A. Section 1805 of the 2010 California Building Code is amended as follows:

A minimum of one top and one bottom continuous bar of 1/2" diameter reinforcing steel shall be required in all continuous concrete or masonry bearing foundations of Group R residential occupancies. Other occupancies shall be based on design.

B. Findings. The city is within a very active seismic area and local soil conditions can be highly expansive (clay soils). Damage to plain concrete footings is extremely expensive to repair, in contrast to the nominal expense of providing footing reinforcement. Footing reinforcement is also necessary to help prevent damage due to shrinking and swelling during seasonal drying and wetting conditions.

15.08.140 Violation--Penalty.

- A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply with that code, or who violates or fails to comply with any order made under that code, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine of not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- C. Notwithstanding any other provision of this code, whenever a violation of any section contained in this chapter is punishable as a misdemeanor, the city attorney may specify that the offense is an infraction pursuant to Section 1.24.010(C), and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge.

SECTION 5: Chapter 15.012 (Electrical Code) of Title 15 (Buildings and Construction) is hereby amended to read as follows:

Chapter 15.12 ELECTRICAL CODE*

Sections:

15.12.010 Short title.

15.12.020 Adoption of the California Electrical Code.

15.12.030 Scope, organization, enforcement, fees and inspections.

15.12.040 Additions, amendments and deletions.

15.12.050 Violation--Penalty.

15.12.010 Short title.

This chapter shall be known as the "Electrical Code".

15.12.020 Adoption of the California Electrical Code.

There is adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Part 3, further described and referred to as the 2010 California Electrical Code published by the California Building Standards Commission and based on the National Electric Code®, 2008 Edition, prepared by the National Fire Protection Association. Adoption of said code shall include those sections and annexes requiring enforcement by the local building department and as further amended by the City of Morgan Hill with provisions intended to address local climatic, geologic, and/or topographic conditions, as permitted by State law. Adoption of said code shall include adoption of the following annexes: Annex A, Annex B,

Annex C, Annex D, Annex E, Annex F, and Annex H with local amendments. Such code shall be and become the Morgan Hill Electrical Code, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of electrical systems, equipment and appliances. The provisions of said code shall provide for the issuance of permits and collection of fees thereof, and providing penalties for violation of such Code.

At least one copy of the City Electrical Code has been deposited in the office of the City building official, and is available for public inspection.

15.12.030 Scope, organization, enforcement, fees and inspections.

The scope, organization, enforcement, fees and inspections of the 2010 California Electrical Code must comply with those set forth in the 2010 California Building Code and 2010 California Electrical Code.

15.12.040 Additions, amendments and deletions.

A. Article 334.12 of the California Electrical Code shall be added and amended to read:
Article 334.12 Non-Metallic-Sheathed Cables.

(a) Type NM or NMC. Type NM and NMC cables shall not be used: (1) in any dwelling or structure exceeding three floors above grade; (2) as service-entrance cable; (3) embedded in poured concrete; or (4) in any non-residential occupancy. For the purpose of this article, the first floor of the building shall be that floor that has 50 percent or more of the exterior wall surface area level with or above finish grade. One additional level that is the first level and not designated for human habitation and used only for vehicle parking, storage, or similar use shall be permitted.

B. Findings. Morgan Hill is in an active seismic zone and has experienced two large seismic events in the past twenty five years. Structural damage to commercial buildings in our business community was severe; electrical wiring within these commercial buildings was severely damaged, causing fire and creating electrical shock hazards to the occupants. Requiring that all electrical building wiring be protected in an approved electrical raceway as described in the California electrical code will minimize fire and life safety hazards to the occupants and rescue personnel caused by damaged exposed electrical wiring.

15.12.050 Violation--Penalty.

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply with that code, or who violates or fails to comply with any order made under that code, or who builds in violation of any detailed statement of specifications or plan submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter, is severally and for each and every violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

C. Notwithstanding any other provision of this code, whenever a violation of any section contained in this chapter is punishable as a misdemeanor, the city attorney may specify that the offense is an infraction pursuant to Section 1.24.010(C), and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge.

~~SECTION 6 Chapter 15.16 (Mechanical Code) of Title 15 (Buildings and Construction) is hereby amended to read:~~

Chapter 15.16 MECHANICAL CODE

Sections:

15.16.010 - Short title.

15.16.020 - Adoption of the 2007 California Mechanical Code and the 2006 Uniform Mechanical Code.

15.16.030 - Scope, organization, enforcement, fees and inspections.

15.16.040 - Violation—Penalty.

15.16.010 Short title.

This chapter shall be known as the "Mechanical Code" and may be cited as such.

15.16.020 Adoption of the 2010 California Mechanical Code.

There is hereby adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Part 4, further described and referred to as the 2010 California Mechanical Code published by the California Building Standards Commission and based on the Uniform Mechanical Code®, 2009 Edition, prepared by the International Association of Plumbing and Mechanical Officials. The adoption of said code shall include those sections requiring enforcement by the local building department. Such code shall be and become the Morgan Hill Mechanical Code, regulating heating, ventilating, comfort cooling, refrigeration systems and other miscellaneous heating appliances, prescribing conditions under which such work may be performed within the City and providing for the issuance of permits and the collection of fees therefore.

At least one copy of the City Mechanical Code has been deposited in office of the City building official, and is available for public inspection.

15.16.030. Scope, organization, enforcement, fees and inspections.

The scope, organization, enforcement, fees and inspections of the California Mechanical Code must comply with those set forth in the 2010 California Building Code.

15.16.040. Violation—Penalty.

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply with that code, or who violates or fails to comply with any order made under that code,

or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

C. Notwithstanding any other provision of this code, whenever a violation of any section contained in this chapter is punishable as a misdemeanor, the city attorney may specify that the offense is an infraction, and proceed with prosecution as an infraction, unless the pursuant to Section 1.24.010(C) defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge

SECTION 7: Chapter 15.20 (Plumbing Code) of Title 15 (Buildings and Construction) is hereby amended to read as follows:

Chapter 15.20 PLUMBING CODE*

Sections:

- 15.20.010 Short title.**
- 15.20.020 Adoption of the 2010 California Plumbing Code.**
- 15.20.030 Scope, organization, fees and inspections.**
- 15.20.040 Amendments and deletions.**
- 15.20.050 Section 604.2 amended--Water lines and fittings.**
- 15.20.060 Section 608.2 amended--Pressure regulators.**
- 15.20.070 Sections 609.3.1 amended--Piping under slabs.**
- 15.20.080 Section 710.1 amended--Backwater valves.**
- 15.20.100 Section 1001.0 amended--Vents and traps.**
- 15.20.110 Violation--Penalty.**

15.20.010 Short title.

This chapter shall be known as the "Plumbing Code" and may be cited as such.

15.20.020 Adoption of the 2010 California Plumbing Code.

There is hereby adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Part 5, further described and referred to as the 2010 California Plumbing Code published by the California Building Standards Commission and based on the Uniform Plumbing Code®, 2009 Edition, prepared by the International Association of Plumbing and Mechanical Officials. The adoption of said code shall include those sections requiring enforcement by the local building department as mandated by the State and as further amended by the City of Morgan Hill with provisions intended to address local climatic, geologic, and

topographic conditions, as permitted by State law. Such code shall be and become the Morgan Hill Plumbing Code, regulating plumbing and drainage systems, house sewers, private sewage disposal, drainage systems, and prescribing conditions under which such work may be carried on within the City and providing for the issuance of permits and the collection of fees therefore.

At least one copy of the City Plumbing Code has been deposited in the office of the City building official, and is available for public inspection.

15.20.030 Scope, organization, fees and inspections.

~~The scope, organization, enforcement, fees and inspections of the 2010 California Plumbing Code must comply with those set forth in the 2010 California Building Code.~~

15.20.040 Amendments and deletions.

The following provisions of the 2010 California Plumbing Code shall be amended or deleted:

- A. The following sections are amended by this chapter: 604.2, 608.2, 609.3.1, 710.1 and 1001.0--1001.3.
- B. The following sections are deleted: Administrative Sections 101.4 through 103.8 inclusive.

15.20.050 Section 604.2 amended--Water lines and fittings.

A. Section 604.2 of the 2010 California Plumbing Code is hereby amended to read as follows:

604.2 Copper tube for potable water piping shall have a weight of not less than type "L."

B. Finding. Due to water hardness in the city, type "L" copper shall be required.

15.20.060 Section 608.2 amended--Pressure regulators.

A. Section 608.2 of the 2010 California Plumbing Code is hereby amended to read as follows:

608.2 Excessive Water Pressure. Where local water pressure is in excess of fifty-five (55) pounds per square inch or less, an approved type pressure regulator preceded by an adequate bypass strainer shall be installed and the pressure reduced to fifty-five (55) pounds per square inch or less for all occupancies.

For potable water services up to and including one and one-half (1 ½ ") inch regulators, provision shall be made to prevent pressure on the building side of the regulator from exceeding main supply pressure. Each such regulator shall be accessibly located and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on eighty (80%) percent of the reduced pressure.

B. Findings. Due to the topography of Morgan Hill, water supply tanks are located on top of local hills, which causes high water pressure in the system. This velocity of water causes water pipes to deteriorate faster than normal. With this problem, requiring pressure regulators to areas in excess of fifty-five psi provides protection to each structure of pipe breakage and therefore necessitates this amendment.

15.20.070 Sections 609.3.1 amended--Piping under slabs.

A. Section 609.3.1 of the 2010 California Plumbing Code is hereby amended to read as follows:

Water piping shall not be installed in or under a concrete floor slab within a building without prior approval of the Administrative Authority.

B. Findings.

1. Most of the surface soils in Morgan Hill are relatively young and unconsolidated sedimentary materials formed from a wide variety of parent materials. The varying chemical composition, degree of weathering, and the relatively acid environment have created soils of varying types, which are peculiarly corrosive in nature.

2. Much of the surface soil in Morgan Hill is characterized by peculiarly high expansivity (i.e., shrink-swell behavior) and low bearing strength. There are two types of expansive soils in the area:

- a. The organic silty clays which are the recent bay muds; and
- b. The plastic silty clays which weather from the shale found in the hills surrounding Santa Clara Valley.

3. The local climate is characterized by markedly delineated rainy and dry seasons, which tend to maximize the volume changes occurring within the soil.

4. Areas of the city have hard water, which may be corrosive to ferrous pipe.

5. The groundwater table is unusually high in many places.

6. Morgan Hill is a seismically active region.

(Ord. 1861 N.S. § 5 (part), 2007; Ord. 1592 N.S. § 7, 2002; Ord. 1451 N.S. § A(7), 1999; Ord. 1249 N.S. § A (part), 1995)

15.20.080 Section 710.1 amended--Backwater valves.

A. Section 710.1 of the 2010 California Plumbing Code is hereby amended to read as follows: Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Administrative Authority.

B. Findings. The local topography includes mountainous and foothill areas with intermittent steep slopes. The City of Morgan Hill is located in a seismically active area, which increases the likelihood of breakage of building sewers and laterals, leading to an above average potential of sewage back-up into buildings without adequate protection.

15.20.100 Section 1001.0 amended--Vents and traps.

A. Section 1001.0 of the 2010 California Plumbing Code is hereby amended to read as follows: 1001.1 Vents and Traps. In all new installations to buildings and in all existing installations to buildings where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet from the rim of the nearest manhole uphill from the point of connection of the building sewer to the lateral sewer, approved types of trap, vent, and cleanout shall be installed in the building sewer at a point as close as possible to the building being served.

1001.2 The installation shall include back-water overflow device with 4" plastic two-way cleanout. In lieu of a two-way cleanout, a combination Wye and 1/8 bend with cleanout plug brought to grade may be installed, provided the main building drain is in a straight line with an exterior cleanout plug at grade on the opposite end of the main building drain line.

1001.3 Every existing installation which includes a plumbing fixture trap outlet which is less than two feet from the rim of the nearest manhole uphill from the point of connection of the building sewer to the lateral sewer is hereby declared to be dangerous, unsanitary, and a menace to life, health and property. Whenever it shall come to the attention of the inspector that such an installation exists, the inspector is hereby authorized and empowered to order and require that such plumbing outlet be immediately plugged or capped or that the equipment described in the preceding paragraphs in this section be installed immediately.

B. Findings. The changes or modifications in the requirements of the 2010 California Plumbing Code, as set out in subsection A of this section, are necessary because of the following local conditions: ~~many parts of the city are susceptible to flooding. The possibility of this undue strain upon existing city waste collection facilities and the attendant hazard of contamination of the city's water system requires that additional safeguards be imposed upon the installation of plumbing fixtures.~~

15.20.110 Violation—Penalty.

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply with that code, or who violates or fails to comply with any order made under that code, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

C. Notwithstanding any other provision of this code, whenever a violation of any section contained in this chapter is punishable as a misdemeanor, the city attorney may specify that the offense is an infraction pursuant to Section 1.24.010(C), and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge.

SECTION 8: Chapter 15.25 (Property Maintenance) of Title 15 (Buildings and Construction) is hereby added as follows:

Chapter 15.25: PROPERTY MANAGEMENT

15.25.010 Short title.

15.25.020 Adoption of the Uniform Housing 2009 International Property Maintenance Code.

15.25.030 Scope, organization, enforcement, fees and inspections.

15.25.040 Violation--Penalty.

15.25.010 Short title.

This chapter shall be known as the "Property Maintenance Code" and may be cited as such.

15.25.020 Adoption of the International Property Maintenance Code.

Pursuant to Sections 50022.1 through 50022.4, inclusive, of the Government Code of the state of California, the text of that certain publication copyrighted and published by the ICC entitled "2009 International Property Maintenance Code" is adopted as the rules, regulations, and standards within this city as to all matters therein contained except as otherwise provided in this chapter. One copy of the International Property Maintenance Code will at all times be kept on file in the office of the City building official, and is available for public inspection.

15.25.030 Scope, organization, enforcement, fees and inspections.

The scope, organization, enforcement, fees and inspections of the Uniform Housing Code International Property Maintenance Code must comply with those set forth in the 2010 California Building Code (see Chapter 15.04 of this title).

15.25.040 Violation—Penalty.

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply with that code, or who violates or fails to comply with any order made under that code, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

C. Notwithstanding any other provision of this code, whenever a violation of any section contained in this chapter is punishable as a misdemeanor, the city attorney may specify that the offense is an infraction pursuant to Section 1.24.010(C), and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge.

SECTION 9: Chapter 15.36 (State Historical Building Code) of Title 15 (Buildings and Construction) is hereby repealed and deleted in its entirety.

SECTION 10: Sections 15.40.020, 15.40.040, 15.40.050, 15.40.260 and 15.40.290 of Chapter 15.40 (Building Security) of Title 15 (Buildings and Construction) are hereby amended to read as follows:

15.40.020 Definitions.

For the purpose of this chapter, certain terms are defined as follows:

1. "Active door" means when two doors are installed as a pair, the active door is the one which must be opened first.
2. "Anti-shim device." Some spring bolts have this added feature to prevent the spring bolt from being depressed when the door is closed by slipping or shimmying. This device is normally adjacent to the bolt and is depressed by the strike when the door is closed.
3. "Armored strike" means a metal strike plate backed up by steel, designed to prevent jamb peeling, mortised into door jamb to restrain the bolt.
4. "Auxiliary locking device" means a secondary locking system added to the primary locking system to provide additional security.
5. "Bolt" means a metal bar which, when actuated, is projected (or "thrown") either horizontally or vertically into a retaining member, such as a strike plate, to prevent a door or window from moving or opening.
6. "Burglary-resistant glazing" means those materials as defined in the Underwriters Laboratory Bulletin 972.
7. "CBC" means the California Building Code. The CBC is dedicated to the development of building construction and safety to the public by uniformity in the building laws. The code is founded on broad-base performance principles that make possible the use of new materials and new construction systems.
8. "Commercial building" means a building, or portion thereof, used for a purpose other than a dwelling.
9. "Cylinder" means the subassembly of a lock containing the cylinder core, tumbler mechanism and the keyway.
10. "Cylinder guard" means a free-turning solid metal protective device used to encompass the cylinder of a lock rendering it less vulnerable to wrenching and twisting attacks.
11. "Dead bolt" means a metal bolt which cannot be moved when the door is locked, and must be key operable and key, thumbturn or lever operable from the interior. The bolt must project a minimum of one inch from the edge of the door and must contain a cylinder guard on the exterior side when the cylinder is exposed.
12. "Deadlatch" or "deadlocking latch" means a spring-activated latch bolt having a beveled end and incorporating a plunger which, when depressed, automatically locks the projected latch bolt against return by end pressure.
13. "Door" means a hinged, sliding or other mechanically operated barrier which may be opened and closed to allow or prevent entrance or egress to a building or structure.
14. "Door stop" means a projection along the top and sides of a door jamb which checks the door's swinging action.
15. "Double-cylinder dead bolt" means a dead bolt lock which can be activated only by a key on both the interior and exterior.
16. "Dwelling" means a building or portion thereof designed exclusively for residential occupancy, including single-family and multifamily dwellings.
17. "Exit indicator" means a device which shows "open" or "locked" condition of exit door lock.
18. "Flushbolt" means a manual, key-operated or turn-operated metal bolt normally used on inactive doors and attached to the top and bottom of the door, engaging in the head and threshold of the frame.
19. "Hasp" means a fastening device consisting of a loop and slotted hinge plate.

20. "Jamb" means the vertical members of a door frame to which the door is secured.
21. "Multifamily dwelling" means a building or portion thereof designed for occupancy by two or more families living independently of each other, including hotels, motels, apartments, duplexes and townhomes.
22. "Padlock" means a locking device with a hardened steel shackle, locking heel and toe, with minimum five pin-tumbler operation, with nonremovable key when in an unlocked position.
23. "Panic hardware" means a latching device on a door assembly for use when emergency egress is required due to fire or other threat to life safety, devices designed so that they will facilitate the safe egress of people in case of an emergency when a-pressure is applied to the releasing device in the direction of exit travel.
24. "Single-cylinder dead bolt" means a dead bolt lock which is activated from the outside by a key and from the inside by a knob, thumb-turn, lever or similar mechanism.
25. "Solid-core door" means a door composed of solid wood or composed of compressed wood equal in strength to solid wood construction.
26. "Strike" means a metal plate attached to or mortised into a door or door jamb to receive and to hold a projected latch bolt and/or dead bolt in order to secure the door to the jamb.
27. "UL Listed" means tested and listed by Underwriters Laboratory, Inc."

15.40.030 Administration and enforcement—Scope.

The provisions set forth in this chapter shall be administered and enforced by the building official or authorized agent and shall apply to the regulation and control of the design, construction and quality of materials and equipment as they relate to the security of all buildings and structures constructed or remodeled in the city after the effective date of the ordinance codified in this chapter. Buildings and structures constructed within industrial parks, business parks and planned unit developments (M-P and PUD zones) are exempt from the provisions of this chapter except that developers of such projects shall meet with the police department crime prevention unit and the chief building official to develop appropriate security measures.

15.40.040 Applicability and compliance.

- A. The provisions of this chapter shall apply to new construction and to buildings or structures to which additions or alterations are made except as specifically provided by this chapter.
- B. Existing multifamily dwelling units which are converted to privately owned family units (condominiums) shall comply with the provisions of Article II of this chapter.
- C. Any existing structure which converts from its original occupancy group, as designated in the California Building Code, shall comply with the provisions of this chapter.

15.40.260 Transoms and awning windows.

All exterior transoms and awning windows exceeding sixty square inches on the side and rear of any building or premises used for business purposes shall be protected by one of the following:

- A. Fully tempered glass or rated burglary-resistant glazing; or
- B. Iron or steel grills of at least one-eighth-inch material with a minimum two-inch mesh securely fastened; or
- C. Iron bars of at least one-half-inch round or one-by-one-fourth-inch flat steel material spaced not more than five inches apart and securely fastened;
- D. The protective bars or grills shall not interfere with the operation of opening the transoms if such transoms are required to be openable by the California Building Code.

15.40.290 Air duct or vent openings.

A. All air duct or air vent openings exceeding ninety-six square inches on the roof or exterior walls of any building or premises used for business purposes shall be secured by covering them with either of the following:

1. Iron bars of at least one-half-inch round or one-by-one-fourth-inch flat steel material spaced no more than five inches apart and securely fastened; or
2. Iron or steel grills of at least one-eighth-inch material with a maximum two-inch mesh and securely fastened;

~~B. If the barrier is on the outside, it shall be secured with bolts which are nonremovable from the exterior;~~

C. Subsections A1 and A2 must not interfere with venting requirements creating a potentially hazardous condition to health and safety or conflict with the provisions of the California Building Code.

SECTION 11: Chapter 15.44 (Fire Prevention Code) is hereby deleted and replaced in its entirety as follows:

Chapter 15.44 FIRE CODE

Sections:

- 15.44.010 Adoption of the 2010 California Fire and International Fire Codes.**
- 15.44.020 Short Title; International Fire Code and California Fire Code defined.**
- 15.44.030 Establishment and duties of bureau of fire prevention.**
- 15.44.040 Modification of provisions by chief.**
- 15.44.050 Establishment of limits of districts.**
- 15.08.060 Additions, amendments and deletions.**
- 15.44.070 Modifications relating to permits.**
- 15.44.080 Modifications relating to Inspections.**
- 15.44.090 Modifications relating to appeals.**
- 15.44.100 Modification relating to violations.**
- 15.44.110 Modifications relating to Chapter 2 - Definitions.**
- 15.44.120 Modifications relating to Chapter 3 - General Precautions Against Fire.**
- 15.44.130 Modifications relating to Chapter 4 - Emergency Planning and Preparedness.**
- 15.44.140 Modifications relating to Chapter 5 - Fire Service Features.**
- 15.44.150 Modifications relating to Chapter 6 - Building Services and Systems.**
- 15.44.160 Modifications relating to Chapter 8 - Interior Finish, Decorative Materials and Furnishings.**
- 15.44.170 Modifications relating to Chapter 9 - Fire Protection Systems.**
- 15.44.180 Modifications relating to Chapter 14 - Fire Safety During Construction and Demolition.**
- 15.44.190 Modifications relating to Chapter 18 - Semiconductor Fabrication Facilities.**
- 15.44.200 Modifications relating to Chapter 19 - Lumber Yards and Wood Working Facilities.**
- 15.44.210 Modifications relating Chapter 27 - Hazardous Materials-General Provisions.**

- 15.44.220 Modifications to Chapter 31 - Corrosive Materials.**
- 15.44.230 Modifications to Chapter 33 - Explosives and Fireworks.**
- 15.44.240 Modifications to Chapter 34 - Flammable and Combustible Liquids.**
- 15.44.250 Modifications to Chapter 37 - Highly Toxic and Toxic Materials.**
- 15.44.260 Modifications to Chapter 41 - Pyrophoric Materials.**
- 15.44.270 Modifications to Chapter 49 - Requirements for Wildland-Urban Interface Fire Areas.**
- 15.44.280 Modifications to Section 4906 - Hazardous Vegetation and Fuel Management.**

15.44.010 Adoption of the 2010 California Fire and International Fire Codes.

There is hereby adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Part 9, further described and referred to as the 2010 California Fire Code published by the California Building Standards Commission and based on the International Fire Code®, 2009 Edition, prepared by the International Code Council, including Appendix Chapters B, C and J save and except such portions as are hereinafter deleted, modified or amended by this chapter. Such code shall be and become the Morgan Hill Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Morgan Hill. One copy of the codes shall be kept on file at all times in the office of the city building official, and the administrative offices of the Santa Clara County fire department, for use and examination by the public.

15.44.020 Short Title; International Fire Code and California Fire Code defined.

This chapter shall be known as the "Fire Code" and may be cited as such. Whenever the phrase "International Fire Code" appears in this code or any ordinance of the city, such phrase shall be deemed and construed to refer to and apply to the International Fire Code, 2009 Edition, as adopted and amended by this chapter. Whenever the phrase "California Fire Code" appears in this code or any ordinance of the city, such phrase shall be deemed and construed to refer to and apply to the 2010 California Fire Code, as adopted and amended by this chapter. Sections amended or modified in this chapter shall refer to the sections of the California Fire Code unless otherwise specified.

15.44.030 Establishment and duties of bureau of fire prevention.

The California Fire Code and International Fire Code shall be enforced by the bureau of fire prevention in the Santa Clara County fire department, which shall be operated under the supervision of the chief of the department.

15.44.040 Modification of provisions by chief.

A. The chief of the Santa Clara County fire department shall have power to modify any of the provisions of the fire code upon application in writing by the owner or lessee, or their duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured and substantial justice done.

B. The particulars of such modification, when granted or allowed, and the decision of the chief shall be entered in the records of the department and a signed copy shall be furnished to the applicant for modification.

15.44.050 Establishment of limits of districts.

A. Storage of stationary tanks of flammable cryogenic fluids are to be prohibited.

The limits referred to in Section 3506.2 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as all ~~locations of the city of Morgan Hill which are residential and congested commercial areas as~~ determined by the fire code official.

B. Storage of flammable or combustible liquids in outside aboveground tanks is prohibited.

The limits referred to in Section 3404.2.9.6.1 of the California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited are hereby established as all locations of the city of Morgan Hill that are residential or congested commercial areas as determined by the fire code official.

C. Storage of flammable or combustible liquids in aboveground tanks is prohibited.

The limits referred to in Section 3406.2.4.4 of the California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited are hereby established as all locations of the city of Morgan Hill that are residential or other locations as determined by the fire code official.

D. Storage of liquefied petroleum gases is prohibited.

The limits referred to in Section 3804.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as all locations of the city of Morgan Hill that are residential or congested commercial areas.

EXCEPTIONS: LPG may be used for industrial operations or when natural gas would not provide a viable substitute for LPG. Portable containers for temporary heating and/or cooking uses may be permitted if stored and handled in accordance with this code. Facilities in commercial areas for refueling portable or mobile LPG containers may be approved by the fire code official on a case by case basis.

15.08.060 Additions, amendments and deletions.

A. In accordance with California Health and Safety Code Section 17958.7, certain modifications to the California Fire Code as set forth in this chapter are reasonably necessary because of local climatic, geologic or topographical conditions.

B. Findings: The City of Morgan Hill experiences low humidity, high winds and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush and structure fires; and the remoteness and steepness of hillside areas in the City significantly impact the ability of emergency responders to extinguish or control wildland or structure fires; and these factors cumulatively mandate special provisions for the creation of defensible space around homes and ignition resistant construction. Additional express findings either already on file with the California Building Standards Commission, or will be filed prior to the effective date of the ordinance codified in this Article.

15.44.070 Modifications relating to permits.

A. Section 105.6.8 is hereby amended to read as follows:

105.6.8 Compressed Gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NPT) of compressed gases in excess of the amounts listed in Table 105.6.8, to install any piped distribution system for compressed gases, or to install a non-flammable medical gas manifold system. A permit is required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

Exceptions:

1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.
2. Routine maintenance.
3. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.
4. Inert and simple asphyxiants at or below the amounts listed in Table 105-A.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan. This 30-day period may be waived by the chief if there are special circumstances requiring such waiver.

B. Table 105.6.8 is hereby amended to read:

TABLE 105.6.8
 PERMIT AMOUNTS FOR COMPRESSED GASES¹

TYPE OF GAS	AMOUNT(cubic feet) ²
	X 0.0283 for m ³
Corrosive	200
Flammable (except cryogenic and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant	6,000
Irritant	200
Moderately toxic	20
Other health hazards	650
Oxidizing (including oxygen)	504
Pyrophoric	Any amount
Radioactive	Any amount
Sensitizer	200
Toxic	Any Amount
Unstable (reactive)	Any amount

¹ Refer to Chapters 27, 30, 32, 35, 37, 40 and 41 for additional requirements and exceptions.

² Cubic feet measured at normal Temperature and pressure.

C. Section 105.6.10 is hereby amended to read as follows:

105.6.10 Cryogenic fluids. An operational permit is required to produce, store transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10 or to install a cryogenic vessel or piping system for the storage or distribution of cryogenes.

Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

D. Table 105.6.20 is hereby amended to read as follows:

TABLE 105.6.20 □ PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

<i>TYPE OF MATERIAL</i>	<i>AMOUNT</i>
Combustible liquids	See Section 105.6.16
Corrosive materials:	See Section 105.6.8
Gases	55 gallons
Liquids	500 pounds
Solids	
Cryogenics	See Section 105.6.10
Explosive materials	See Section 105.6.14
<i>TYPE OF MATERIAL</i>	<i>AMOUNT</i>
Flammable materials:	See Section 105.6.8
Gases	See Section 105.6.16
Liquids	10 pounds
Solids	
Highly toxic materials: Gases	Any amount
Liquids	Any amount
Solids	Any amount
Moderately toxic gas	20 cubic feet
Organic peroxides:	Any Amount
Liquids: Class I-IV	No Permit Required
Liquids: Class V	Any Amount
Solids: Class I-IV	No Permit Required
Solids: Class V	
Oxidizing materials:	504 Cubic Feet
Gases	Any amount
Liquids	Any amount
Solids	
Pyrophoric materials:	Any amount
Gases	Any amount
Liquids	Any amount
Solids	
Toxic materials:	Any amount
Gases	Any amount
Liquids	Any amount
Solids	
Unstable (reactive) materials:	Any amount
Gases	Any amount
Liquids	Any amount
Solids	
Water reactive materials:	Any amount
Liquids	Any amount
Solids	

- a. 20 gallons when table 2701.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 20 gallons or less.

- b. 200 pounds when table 2703.1.1(1 Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 200 gallons or less.

E. Section 105.6.48 is added to read as follows:

105.6.48 Day care facility. An operational permit is required to operate a business as a day care facility for more than 6 people.

F. Section 105.6.49 is added to read as follows:

105.6.49 Institutional. A permit is required to operate, maintain, or use any institutional type occupancy. For the purpose of this Section, an institution shall be, but is not limited to: hospitals, children's home, home or institution for insane or mentally retarded persons, home or institution for the care of aged or senile persons, sanitarium, nursing or convalescent home, certified family care homes, residential care homes for the elderly, out of home placement facilities, halfway house, and day care nurseries or similar facility of any capacity.)

15.44.080 Modifications relating to Inspections.

Section 106.5 is added to read as follows:

106.5 Final Inspection. No final inspection as to all or any portion of a development shall be deemed completed until the installation of the required fire protection facilities and access ways have been completed and approved. No final certificate of occupancy may be granted until the Fire Department issues notice of final clearance of such fire protection facilities and access ways to the Building Department.

15.44.090 Modifications relating to appeals.

Section 108.1 is hereby amended to read as follows:

108.1 Appeals. In order to review the determinations made by the Fire Chief relative to the suitability of alternative materials and methods of construction, interpretations of the provisions of the Fire Code, and to make recommendations to the City Council concerning amendments to the Fire Code, a Fire Code Advisory Committee consisting of five (5) members qualified by experience and training to pass upon matters pertaining to fire safety shall be appointed by the City Manager as the occasion arises.

The Fire Chief or his designee shall be an ex officio member of the Fire Code Advisory Committee and shall act as secretary. The Fire Code Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person may request a review by the Fire Code Advisory Committee on a subject within the jurisdiction of the Fire Code Advisory Committee. The appeal shall be in writing and filed at the office of the Fire Chief within (30) days of the Chief's determination. The appellant shall agree to bear the expense of any tests required by the Committee in connection with the appeal. The Committee shall render its findings and decisions to the Fire Chief with a copy to the appellant.

15.44.100 Modification relating to violations.

Section 109.3 is deleted.

15.44.110 Modifications relating to Chapter 2 - Definitions.

A. The following are hereby added to Section 202:

CARCINOGEN is a substance that causes the development of cancerous growths in living tissue. A chemical is considered a carcinogen if:

1. It has been evaluated by the International Agency for Research on Cancer and found to be a carcinogen or potential carcinogen, or
2. It is listed as a carcinogen or potential carcinogen in the latest edition of the Annual Report on Carcinogens published by the National Toxicology program, or
3. It is regulated by OSHA as a carcinogen.

DEVICE. Device is, for the purpose of Exhibit "A", an appliance or piece of equipment that plays an active part in the proper functioning of the regulated systems. Examples include, but are not limited to the following: smoke detectors, heat detectors, flame detectors, manual pull stations, horns, alarms, bells, warning lights, hydrants, risers, FDCs, standpipes, strobes, control panels, transponders, and other such equipment used to detect, transmit, initiate, annunciate, alarm, or respond according to the system design criteria.

OTHER HEALTH HAZARD MATERIAL is a hazardous material which affects target organs of the body, including but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage) or teratogens (effect on fetuses).

SENSITIZER is a chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

WORKSTATION is a defined space or independent principal piece of equipment using hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment.

15.44.120 Modifications relating to Chapter 3 - GENERAL PRECAUTIONS AGAINST FIRE

A. The following sections are hereby deleted:

Delete Section: 311.5 Placards.

Delete Section: 311.5.1 Placard Location.

Delete Section: 311.5.2 Placard Size And Color.

Delete Section: 311.5.3 Placard Date.

Delete Section: 311.5.4 Placard Symbols

Delete Section: 311.5.5 informational Use

B. Section 316.6 is hereby added to read:

316.6 Roof Guardrails At Interior Courts. Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12-inch diameter sphere cannot pass through.

Exception:

Where the roof opening is greater than 600 square feet in area.

15.44.130 Modifications relating to Chapter 4 - EMERGENCY PLANNING AND PREPAREDNESS

A. Section 404.2 is hereby added to read:

404.2 Where Required. An approved fire safety and evacuation plan shall be prepared and

maintained for the following occupancies and buildings.

1. Group A buildings having an occupant load of 100 or more persons.
2. Group B buildings having an occupant load of 500 or more.
3. Group E: See §3.13 Title 19, CCR for regulations.
4. Group H.
5. Group I. See §3.09 Title 19, CCR for regulations.
6. Group R-1. See §3.09 Title 19, CCR for regulations.
7. Group R-2 college and university buildings.
8. Group R-4.
9. Group M buildings having an occupant load of 500 or more persons.
10. Covered malls exceeding 50,000 square feet (4645 m2) in aggregate floor area.
11. Underground buildings.

B. Section 404.3.1 is hereby amended as follows:

404.3.1 Fire Evacuation Plans. Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
2. Description of what the fire alarm, if required, sounds and looks like (audible and visual warning devices).
3. Procedures for employees who must remain to operate critical equipment before evacuating.
4. Procedures for accounting for employees and occupants after evacuation has been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

C. Table 405.2 is hereby amended to read as follows:

TABLE 405.2
 FIRE AND EVACUATION DRILL
 FREQUENCY AND PARTICIPATION

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B ^b	Annually	Employees
Group E	See §3.13 Title 19, CCR	
Group I	See §3.13 Title 19, CCR	
Group R-1	See §3.13 Title 19, CCR	
Group R-2 ^c	Four annually	All occupants
Group R-4	Quarterly on each shift	Employees ^b

D. The following sections are hereby deleted:

Section 408.2.2 is deleted:

Section 408.3.1 is deleted:

Section 408.3.2 is deleted:

Section 408.3.3 is deleted:
Section 408.3.4 is deleted:
Section 408.5.1 is deleted:
Section 408.5.2 is deleted:
Section 408.5.3 is deleted:
Section 408.5.4 is deleted:
Section 408.5.5 is deleted:
Section 408.6 is deleted:
Section 408.6.1 is deleted:
Section 408.6.2 is deleted:

Section 408.7 is deleted:
Section 408.7.1 is deleted:
Section 408.7.2 is deleted:
Section 408.7.3 is deleted:
Section 408.7.4 is deleted:
Section 408.8 is deleted:
Section 408.8.1 is deleted:
Section 408.8.2 is deleted:
Section 408.8.3 is deleted:

E. Section 408.9 is hereby amended to read:

408.9 Group R-2 Occupancies. Group R-2 occupancies shall comply with the requirements of Sections 408.9.1 through 408.9.3 and Sections 401 through 406. Group R-2 college and university buildings shall comply with the requirements of Sections 408.9.1 through 408.9.6 and Sections 401 through 406.

F. Section 408.9.4 is hereby added to read:

408.9.4 First Emergency Evacuation Drill. The first emergency evacuation drill of each school year shall be conducted within 10 days of the beginning of classes.

G. Section 408.9.5 is hereby added to read:

408.9.5 Time of Day. Emergency evacuation drills shall be conducted at different hours of the day or evening, during the changing of classes, when the school is at assembly, during the recess or gymnastic periods, or during other times to avoid distinction between drills and actual fires. In Group R2 college and university buildings, one required drill shall be held during hours after sunset or before sunrise.

H. The following sections are hereby deleted

Section 408.10 is deleted:
Section 408.10.1 is deleted:
Section 408.10.2 is deleted:
Section 408.10.3 is deleted:
Section 408.10.4 is deleted:
Section 408.10.5 is deleted:

I. Section 408.11.1.2 is hereby amended to read:

408.11.1.2 Revisions. The lease plans shall be revised annually or as often as necessary to keep them current.

15.44.140 Modifications relating to Chapter 5 - FIRE SERVICE FEATURES

A. Section 503.1 is hereby amended to read:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.2 and as per Fire Department access road Standards.

B. Section 503.1.1 is hereby amended to read:

503.1.1 Building and Facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend within 150 feet (45,720 mm) of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. When the building is equipped throughout with an approved automatic sprinkler installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the dimension may be increased to 300 feet.
2. When fire apparatus roads cannot be installed because of topography, waterways, nonnegotiable grades or other similar conditions, an approved alternative means of fire protection shall be provided.

C. Section 503.2.1 is hereby amended to read::

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm).

Exception:

When there are not more than two Group R, Division 3, or Group U occupancies, the access road width may be modified by the fire code official.

D. Section 503.7 is hereby amended to read::

503.7 Traffic Calming Devices. Traffic Calming Devices such as speed humps, traffic circles or other physical measures intended to control vehicle speed on fire apparatus access roads are prohibited unless approved by the fire code official.

E. Section 504.4 is hereby added to read:

504.4 Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the fire code official. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or otherwise approved by the fire department. Access control devices shall also comply with Chapter 10 Egress.

F. Section 510.1 is hereby added to read:

510.1 Emergency responder radio coverage in buildings. All buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications system of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communications system. Emergency responder radio coverage systems shall be installed in accordance with Section 510 and Appendix J.

G. Section 510.1.1 is hereby added to read::

510.1.1 Obstruction by new buildings. When in the opinion of the fire code official, a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio

retransmission equipment necessary to restore communications capabilities. The equipment shall be located in an approved space or area within the new structure.

15.44.150 Modifications relating to Chapter 6 -BUILDING SERVICES AND SYSTEMS

A. Section 605.11 is hereby added to read:

605.11 Immersion Heaters. All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

~~B. Section 608.6.4 is hereby added to read:~~

~~608.6.4 Failure of Ventilation System. Failure of the ventilation system shall automatically disengage the charging system.~~

15.44.160 Modifications relating to Chapter 8 - INTERIOR FINISH, DECORATIVE MATERIALS AND FURNISHINGS

A. 806.1.1 is hereby amended to read:

806.1.1 Display inside buildings. The display of Christmas trees and other decorative vegetation in new and existing buildings shall be in accordance with the California Code of Regulations, Title 19, Division 1, §3.08 and Sections 806.1 through 806.5.

Exceptions: Deleted

15.44.170 Modifications relating to Chapter 9 - FIRE PROTECTION SYSTEMS

A. Section 903.2 is hereby amended to read:

903.2 Where required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive.

For the purposes of this section, firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. An automatic sprinkler system shall be provided throughout all new buildings and structures.

Exceptions:

1. Group A, B, E, F, I, L, M, S and U occupancy buildings and structures that do not exceed 1,000 square feet of building area and that are not located in the Wildland-Urban Interface Fire Area.

2. Group A, B, E, F, I, L, M, S and U occupancy buildings and structures that are located in the Wildland-Urban Interface Fire Area and do not exceed 500 square feet of building area.

2. An automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.18.

3. An automatic sprinkler system shall be provided throughout existing buildings and structures, when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1000 square feet of building area.

4. An automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50%.

B. Section 903.1.1 is hereby amended to read:

903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1 and local standards.

1. For new buildings having no designated use or tenant, the minimum sprinkler design density shall be Ordinary Hazard Group 2.

C. Section 903.3.1.2 is hereby amended to read:

903.3.1.2 NFPA 13R sprinkler systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R and local standards.

D. Section 903.3.1.3 is hereby amended to read:

903.3.1.3 NFPA 13D sprinkler systems. Where allowed, automatic sprinkler systems installed in one-and two-family dwellings and townhouses shall be installed throughout in accordance with NFPA 13D and local standards.

E. Section 912.2 is hereby amended to read:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus. The location of fire department connections shall be approved by the fire code official.

15.44.180 Modifications relating to Chapter 14 - FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

A. Section 1404.8 is hereby added to read:

1404.8 Fire Walls. When firewalls are required, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather-protected at the location of the wall(s).

B. Section 1411.1 is hereby amended to read:

1411.1 Stairways Required. Each level above the first story in new multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

Exception:

For new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

C. Section 1411.1.1 is hereby added to read:

Section 1411.1.1 Required Means Of Egress. All new buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the prefire plan see Section 1408.2.

15.44.190 Modifications relating to Chapter 18 - SEMICONDUCTOR FABRICATION FACILITIES

The following definitions in Section 1802 are amended to read:

CONTINUOUS GAS DETECTION SYSTEM. An approved gas detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis is allowed to be performed on a cyclical basis at intervals not to exceed 30 minutes. In occupied areas where air is re-circulated and not exhausted to a treatment system (e.g. breathing zone), the Chief may require a cyclical basis at intervals not to exceed 5 minutes. The gas detection system shall be able to detect the presence of a gas at or below the permissible exposure limit in occupiable areas and at or below $\frac{1}{2}$ IDLH (or 0.05 LC 50 if no established IDLH) in unoccupiable areas.

Delete Definition: Workstation.

15.44.200 Modifications relating to Chapter 19 - LUMBER YARDS AND WOODWORKING FACILITIES

A. Section 1907.6 is hereby added to read:

1907.6 Fire Protection Water Supply System. An approved fire protection water supply and hydrant system suitable for the fire hazard involved shall be provided for open storage yards and processing areas. Hydrant systems shall be installed in accordance with NFPA 24.

B. Section 1908.11 is hereby added to read:

1908.11 Fire Protection Water Supply System. An approved fire protection water supply and hydrant system suitable for the fire hazard involved shall be provided for open storage yards and processing areas. Hydrant systems shall be installed in accordance with NFPA 24.

15.44.210 Modifications relating Chapter 27 - HAZARDOUS MATERIALS- GENERAL PROVISIONS

A. Section 2701.2.2.2 is hereby amended to read:

2701.2.2.2 Health Hazards The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

1. Highly toxic, toxic and moderately toxic.
2. Corrosive materials.
3. Other health hazards including carcinogens, irritants and sensitizers.

B. The following definitions in Section 2702 are amended to read:

SECONDARY CONTAINMENT. Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

C. Section 2703.1.3.1 is hereby added to read:

2703.1.3.1 Toxic, Highly Toxic, Moderately Toxic Gases And Similarly Used Or Handled Materials. The storage, use and handling of toxic, highly toxic and moderately toxic gases in amounts exceeding Table 3704.2 or 3704.3 shall be in accordance with this chapter and Chapter 37. Any toxic, highly toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for toxic, highly toxic or moderately toxic gases.

D. Section 2703.1.5 is hereby added to read:

2703.1.5 Other Health Hazards Including Carcinogens, Irritants and Sensitizers. The storage, use and handling of materials classified as other health hazards including carcinogens, irritants and sensitizers in amounts exceeding 810 cubic feet for gases, 55 gallons for liquids and 5,000 pounds for solids shall be in accordance with this Section 2703.

E. Section 2703.1.6 is hereby added to read:

2703.1.6 Secondary Containment Requirements. A containment system shall be required for all hazardous materials, which are liquids or solids at normal temperature, and pressure (NTP) where a spill is determined to be a plausible event and where such an event would endanger people, property or the environment. Construction shall be substantial, capable of safely and securely containing a sudden release without discharge. Design criteria shall be performance oriented and constructed of physically and chemically compatible materials to resist degradation and provide structural and functional integrity for a period of time reasonably necessary to ensure detection, mitigation, and repair of the primary system. Regardless of quantities, secondary containment for outdoor storage areas shall also comply with Section 2704.2.2.4. Monitoring of secondary containment shall be accordance with Section 2704.2.2.5.

F. Section 2703.2.2.1 is hereby amended to read:

2703.2.2.1 Design And Construction. Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings and related components shall be designed and fabricated from materials compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.
2. Piping and tubing shall be identified in accordance with ASME A13.1 and Santa Clara County Fire Chiefs Marking Requirements and Guidelines for Hazardous Materials and Hazardous Waste to indicate the material conveyed.
3. Readily accessible manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:
 - 3.1. The point of use.
 - 3.2. The tank, cylinder or bulk use.
4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be identified and the location shall be clearly visible accessible and indicated by means of a sign.
5. Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.
6. Where gases or liquids having a hazard ranking of:
 - Health hazard Class 3 or 4
 - Flammability Class 4
 - Reactivity Class 4

in accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig)(103 Kpa), an approved means of leak detection, emergency shutoff and excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

Exceptions:

1. Piping for inlet connections designed to prevent backflow.
2. Piping for pressure relief devices.
7. Secondary containment or equivalent protection from spills shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Tables 3704.2 and 3704.3. Secondary containment includes, but is not limited to double walled piping.

Exceptions:

1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
- ~~2. Piping under sub-atmospheric conditions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.~~
8. Expansion chambers shall be provided between valves whenever the regulated gas may be subjected to thermal expansion. Chambers shall be sized to provide protection for piping and instrumentation and to accommodate the expansion of regulated materials.

G. Section 2703.2.2.2 is hereby amended to read:

2703.2.2.2 Additional Regulation for Supply Piping for Health Hazard Materials. Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 shall be in accordance with ASME B31.3 and the following:

- 8.1. Piping and tubing utilized for the transmission of toxic, highly toxic, or highly volatile corrosive liquids and gases shall have welded or brazed connections throughout except for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.
- 8.2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H Occupancies.

EXCEPTION:

Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies when installed in accordance with Section 415.8.6.3 of the California Building Code as required for Group H, Division 5 Occupancies.

- 8.3. All primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of 1×10^{-9} cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified "third party" not involved with the construction of the piping and control systems.

H. Section 2703.3.1 is hereby amended to read:

2703.3.1 Unauthorized Discharges. When hazardous materials are released in quantities reportable under state, federal or local regulations or when there is release or a threatened release that presents a threat to health, property or the environment, the fire code official shall be notified immediately in an approved manner and the following procedures required in accordance with Sections 2703.3.1.1 through 2703.3.1.4.

I. Section 2703.5.2 is hereby added to read:

2703.5.2 Ventilation Ducting. Product conveying ducts for venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

J. Section 2703.5.3 is hereby added to read:

2703.5.3 "H" Occupancies. In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

K. Section 2703.9.8 is hereby added to read:

2703.9.8 Separation of Incompatible Materials. Incompatible materials in storage and storage of materials that are incompatible with materials in use shall be separated. When the stored materials are in containers having a capacity of more than 5 pounds (2 kg) or 0,5 gallon (2 L), separation shall be accomplished by:

1. Segregating incompatible materials in storage by a distance of not less than 20 feet (6096 mm) and in an independent containment system.
2. Isolating incompatible materials in storage by a noncombustible partition extending not less than 18 inches (457 mm) above and to the sides of the stored material.
3. Storing liquid and solid materials in hazardous material storage cabinets.
4. Storing compressed gases in gas cabinets or exhausted enclosures in accordance with Sections 2703.8.5 and 2703.8.6. Materials that are incompatible shall not be stored within the same cabinet or exhausted enclosure.

L. Section 2703.9.11 is hereby added to read:

2703.9.11 Fire Extinguishing Systems For Workstations Dispensing, Handling or Using Hazardous Materials. Combustible and non-combustible workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 1803.10.

Exception:

Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500ml.

M. Section 2704.2.1 is hereby amended to read:

2704.2.1 Spill Control for Hazardous Material Liquids. Rooms, buildings or areas used for storage of hazardous material liquids shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

N. Section 2704.2.2 is hereby amended to read:

2704.2.2 Secondary Containment for Hazardous Material Liquids and Solids. Buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section.

O. Table: 2704.2.2 - REQUIRED SECONDARY CONTAINMENT FOR HAZARDOUS MATERIAL SOLIDS AND LIQUIDS STORAGE – is hereby deleted.

M. Section 2705.4.4 is hereby amended to read:

2705.4.4 Emergency Alarm. When hazardous materials having a hazard ranking of 3 or 4 in accordance with NFPA 704, or toxic gases exceeding 10 cu. ft. and any amount of highly toxic compressed gases are transported through corridors or exit enclosures, there shall be an emergency telephone system, a local manual alarm station or an approved alarm-initiating device at not more than 150-foot (45,720 mm) intervals and at each exit and exit-access doorway throughout the transport route. The signal shall be relayed to an approved central, proprietary or remote station service or constantly attended on-site location and shall also initiate a local audible alarm.

15.44.220 Modifications to Chapter 31 - CORROSIVE MATERIALS

The following definitions are added to SECTION 3102 -DEFINITIONS

CORROSIVE LIQUID. Corrosive liquid is a liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action. Examples include acidic, alkaline or caustic materials. Such material will be considered corrosive when the Ph is 2 or less or 12.5 or more, except for foodstuffs or medicine. Included are Department of Transportation and Title 22, California Code of Regulations, 66261.22 classed corrosives.

15.44.230 Modifications to Chapter 33 - EXPLOSIVES AND FIREWORKS

A. Section 3301.1 is hereby amended to read:

3301.1 Scope. For explosives requirements see California Code of Regulations, Title 19, Division 1, Chapter 10 and section 3301.2 of this chapter. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6 and section 3301.3 of this chapter. For small arms ammunition, see Section 3301.5 of this chapter.

Exceptions:

1. The armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
4. Items preempted by federal regulations.

B. Section 3301.2 is hereby added to read:

3301.2 Explosives. . The possession, manufacture, storage, sale, handling, and use of explosives are prohibited.

C. Section 3301.3 is hereby added to read:

3301.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

Exceptions:

- a. Storage, handling and use of fireworks and pyrotechnic special effects outside of buildings when used for public or proximate audience displays, motion picture, television, theatrical and group entertainment productions and when in accordance with Title 19 of the California Code of Regulations.
- b. Storage, handling and use of pyrotechnic special effects fireworks inside of buildings when used for proximate audience displays or special effects in

theatrical, television, motion picture and group entertainment productions when in accordance with Title 19 of the California Code of Regulations and when in buildings equipped throughout with an approved fire sprinkler system.

D. Section 3301.4 is hereby added to read:

3301.4 Rocketry. The storage, handling, and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and as approved by the Fire Code Official.

E. The following subsections of Section 3301.5 are added to read:

3301.5 Small Arms Ammunition-General. Indoor storage and display of black powder, smokeless propellants and small arms ammunition shall comply with Sections 3301.5.1 through 3301.5.4.2.3.

3301.5.1 Packages. Smokeless propellants shall be stored in approved shipping containers conforming to DOTn 49 CFR, Part 173.

3301.5.1.1 Repackaging. The bulk repackaging of smokeless propellants, black powder and small arms primers shall not be performed in retail establishments.

3301.5.1.2 Damaged packages. Damaged containers shall not be repackaged.

Exception: Approved repackaging of damaged containers of smokeless propellant into containers of the same type and size as the original container.

3301.5.2 Storage in Group R occupancies. The storage of small arms ammunition in Group R occupancies shall comply with Sections 3301.5.2.1 through 3301.5.2.3.

3301.5.2.1 Smokeless propellants. Smokeless propellants intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers. Smokeless powder in quantities exceeding 20 pounds (9 kg) but not exceeding 50 pounds (23 kg) are permitted to be stored in Group R-3 occupancies where kept in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.

3301.5.2.2 Black powder. Black powder intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers and stored in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness

3301.5.2.3 Small arms primers. No more than 10,000 small arms primers shall be stored in Group R-3 occupancies.

3301.5.3 Display and storage in Group M occupancies. The display and storage of small arms ammunition in Group M occupancies shall comply with Sections 3301.5.3.1 through 3301.5.3.2.3.

3301.5.3.1 Display. The display of small arms ammunition in Group M occupancies shall comply with Sections 3301.5.3.1.1 through 3301.5.3.1.3.

3301.5.3.1.1 Smokeless propellant. No more than 20 pounds (9 kg) of smokeless propellants, each in containers of 1 pound (0.454 kg) or less capacity, shall be displayed in Group M occupancies.

3301.5.3.1.2 Black powder. No more than 1 pound (0.454 kg) of black powder shall be displayed in Group M occupancies.

3301.5.3.1.3 Small arms primers. No more than 10,000 small arms primers shall be displayed in Group M occupancies.

3301.5.3.2 Storage. The storage of small arms ammunition in Group M occupancies shall comply with Sections 3301.5.3.2.1 through 3301.5.3.2.3.

3301.5.3.2.1 Storage of Smokeless propellant. Commercial stocks of smokeless propellants not

on display shall not exceed 100 pounds (45 kg). Quantities exceeding 20 pounds (9 kg), but not exceeding 100 pounds (45 kg) shall be stored in portable wooden boxes having walls of at least 1 inch (25 mm) nominal thickness.

3301.5.3.2.2 Black powder. Commercial stocks of black powder not on display shall not exceed 50 pounds (23 kg) and shall be stored in a type 4 indoor magazine. When black powder and smokeless propellants are stored together in the same magazine, the total quantity shall not exceed that permitted for black powder.

3301.5.3.2.3 Small arms primers. Commercial stocks of small arms primers not on display shall not exceed 750,000. Storage shall be arranged such that not more than 100,000 small arms primers are stored in any one pile and piles are at least 15 feet (4572 mm) apart.

15.44.240 Modifications to Chapter 34 - FLAMMABLE AND COMBUSTIBLE LIQUIDS

A. Section 3404.2.7.5.8 is hereby amended to read:

3404.2.7.5.8 Overfill Prevention. An approved means or method in accordance with Section 3404.2.9.6.6 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 3406.4 or 3406.7 shall have overfill protection in accordance with API 2350.

An approved means or method in accordance with Section 3404.2.9.7.6 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

Exception Deleted

B. Section 3404.2.7.5.9 is hereby added to read:

3404.2.7.5.9 Automatic Filling of Tanks. Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official, that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

15.44.250 Modifications to Chapter 37 - HIGHLY TOXIC AND TOXIC MATERIALS

A. Section 3701.3 is hereby added to read:

3701.3 Moderately Toxic Gases With a LC50 Equal To Or Less Than 3000 Parts Per Million. Notwithstanding the hazard class definition in Section 3702, moderately toxic gases with an LC50 less than 3000 parts per million shall additionally comply with the requirements for toxic gases in Section 3704 of this code.

C. The following definitions are added to Section 3702 -DEFINITIONS

MODERATELY TOXIC GAS. Moderately toxic gas is a chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

MAXIMUM THRESHOLD QUANTITY (MAX TQ). Maximum Threshold Quantity (Max TQ) is the maximum quantity of a moderately toxic or toxic gas, which may be stored in a single vessel before a more stringent category of regulation is applied. The following equation shall be used to calculate the Max TQ:

$$\text{Max TQ (pounds)} = \text{LC50 (ppm)} \times 2 \text{ lb.}$$

For gas mixtures containing one or more toxic, highly toxic or moderately toxic components, LC50 shall be calculated using CGA Standards P-20 and P-23 as referenced in Appendix E, Section 103.1.3.1

D. Section 3704 is amended to read:

SECTION 3704 - HIGHLY TOXIC, TOXIC AND MODERATELY TOXIC COMPRESSED GASES INCLUDING THOSE USED AS REFRIGERANTS.

E. Section 3704.1.4 is hereby added to read:

3704.1.4 Automatic Shut-Off Valve. An automatic shut-off valve, which is of a fail-safe to close design, shall be provided to shut off the supply of highly toxic gases for any of the following:

1. Activation of a manual fire alarm system.
2. Activation of the gas detection system.
3. Failure of emergency power.
4. Failure of primary containment.
5. Seismic activity.
6. Failure of required ventilation.
7. Manual activation at an approved remote location.

F. Section 3704.1.5 is hereby added to read:

3704.1.5 Emergency Control Station. Signals from emergency equipment used for highly toxic gases shall be transmitted to an emergency control station or other approved monitoring station, which is continually staffed by trained personnel.

G. The following subsections of Section 3704.1 are added to read:

3704.1.6 Maximum Threshold Quantity. Toxic gases stored or used in quantities exceeding the maximum threshold quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for highly toxic gases of Section 3704 of this code.

Moderately toxic gases stored or used in quantities exceeding the maximum threshold quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for toxic gases of Section 3704 of this code

3704.1.7 Reduced Flow Valve. All containers of materials other than lecture bottles containing Highly Toxic material and having a vapor pressure exceeding 29 psia shall be equipped with a reduced flow valve when available. If a reduced flow valve is not available, the container shall be used with a flow-limiting device. All flow limiting devices shall be part of the valve assembly and visible to the eye when possible; otherwise, they shall be installed as close as possible to the cylinder source.

3704.1.8 Annual Maintenance. All safety control systems at a facility shall be maintained in good working condition and tested not less frequently than annually. Maintenance and testing shall be performed by persons qualified to perform the maintenance and tests. Maintenance records and certifications shall be available to any representative of the Fire Department for inspection upon request.

3704.1.9 Fire Extinguishing Systems. Buildings and covered exterior areas for storage and use areas of materials regulated by this Chapter shall be protected by an automatic fire sprinkler system in accordance with NFPA 13. The design of the sprinkler system for any room or area where highly toxic, toxic and moderately toxic gases are stored, handled or used shall be in accordance with Section 2704.5.

3704.1.10 Local Gas Shut Off. Manual activation controls shall be provided at locations near the point of use and near the source, as approved by the fire code official. The fire code official may

require additional controls at other places, including, but not limited to, the entry to the building, storage or use areas, and emergency control stations.

Manual activated shut-off valves shall be of a fail-safe-to-close design.

3704.1.11 Exhaust Ventilation Monitoring. For highly toxic gases and toxic gases exceeding threshold quantities, a continuous monitoring system shall be provided to assure that the required exhaust ventilation rate is maintained. The monitoring system shall initiate a local alarm. The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use, or handling area.

3704.1.12 Emergency Response Plan. ~~If the preparation of an emergency response plan for the facility is not required by any other law, responsible persons shall prepare, or cause to be prepared, and filed with the fire code official, a written emergency response plan. If the preparation of an emergency response plan is required by other law, a responsible person shall file a copy of the plan with the Fire Chief.~~

3704.1.13 Emergency Response Team. Responsible persons shall be designated the on-site emergency response team and trained to be liaison personnel for the Fire Department. These persons shall aid the Fire Department in preplanning emergency responses, identifying locations where regulated materials are stored, handled and used, and be familiar with the chemical nature of such material. An adequate number of personnel for each work shift shall be designated.

3704.1.14 Emergency Drills. Emergency drills of the on-site emergency response team shall be conducted on a regular basis but not less than once every three months. Records of drills

3704.1.15 Cylinder Leak Testing. Cylinders shall be tested for leaks immediately upon delivery and again immediately prior to departure. Testing shall be approved by the fire code official in accordance with appropriate nationally recognized industry standards and practices, if any. Appropriate remedial action shall be immediately undertaken when leaks are detected

3704.1.16 Inert Gas Purge System. Gas systems shall be provided with dedicated inert gas purge systems. A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems inside buildings shall be located in an approved gas cabinet unless the system operates by vacuum demand.

3704.1.17 Seismic Shutoff Valve. An automatic seismic shut-off valve, which is of a fail-safe to close design, shall be provided to shutoff the supply of highly toxic, toxic and moderately toxic gases with an LC₅₀ less than 3000 parts per million upon a seismic event within 5 seconds of a horizontal sinusoidal oscillation having a peak acceleration of 0.3G (1.47m/sec²) and a period of 0.4 seconds.

H. Section 3704.2 is hereby amended to read:

3704.2 Indoor Storage and Use. The indoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 3704.2.1 through 3704.2.2.10.3.3. The threshold quantity for highly toxic, toxic and moderately toxic gases for indoor storage and use are set forth in Table 3704.2.

I. Table 3704.2 is hereby added to read:

Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use	
Highly Toxic	0
Toxic	10 cubic feet
Moderately Toxic	20 cubic feet

J. Section 3704.2.1 and its subsections are hereby amended to read:

3704.2.1 Applicability. The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 3704.2.1.1 through 3704.2.1.3.

3704.2.1.1 Quantities Not Exceeding the Maximum Allowable Quantity per Control Area. The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts exceeding the maximum allowable quantity per control area set forth in Table 3704.2 shall be in accordance with Sections 2701, 2703, 3701, and 3704.1 and 3704.2,

3704.2.2 General Indoor Requirements. The general requirements applicable to the indoor storage and use of highly toxic and toxic compressed gases shall be in accordance with Sections 3704.2.2.1 through 3704.2.2.10.3.

Moderately toxic gases with an LC₅₀ less than 3000 parts per million shall comply with the requirements for toxic gases in Sections 3704.2.2.1 through 3704.2.2.10.3

All other moderately toxic gases exceeding the threshold quantity shall comply with the requirements for toxic gases in Sections 3704.2.2.1 through 3704.2.2.7.

K. Section 3704.2.2.7 is hereby amended to read:

3704.2.2.7 Treatment Systems. The exhaust ventilation from gas cabinets, exhausted enclosures, gas rooms and local exhaust systems required in Section 3704.2.2.4 and 3704.2.2.5 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in accordance with Sections 3704.2.2.7.1 through 3704.2.2.7.5 and Section 505 of the California Mechanical Code.

Exceptions:

1. Highly toxic, toxic and moderately toxic gases storage. A treatment system is not required for cylinders, containers and tanks in storage when all of the following are provided:

1.1. Valve outlets are equipped with gas-tight outlet plug or caps.

1.2. Hand wheel-operated valves have handles secured to prevent movement.

1.3. Approved containment vessels or containment systems are provided in accordance with Section 3704.2.2.3.

L. Section 3704.2.2.10.1 is hereby amended to read:

3704.2.2.10.1. Alarms. The gas detection system shall initiate a local alarm and transmit a signal to a constantly attended control station when a short-term hazard condition is detected. The alarm shall be both visual and audible and shall provide warning both inside and outside the area where the gas is detected. The audible alarm shall be distinct from all other alarms.

Exception Deleted

M. Section 3704.3 is hereby amended to read:

3704.3 Outdoor Storage and Use. The outdoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 3704.3.1 through 3704.3.4. The threshold quantity for highly toxic, toxic and moderately toxic gases for outdoor storage and use are set forth in Table 3704.3.

N. Table 3704.3 is hereby added to read:

Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Outdoor Storage and Use	
Highly Toxic	0
Toxic	10 cubic feet
Moderately Toxic	20 cubic feet

O. Section 3704.3.1 is hereby amended to read:

3704.3.1 Applicability. The applicability of regulations governing the outdoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 3704.3.1.1 through 3704.3.1.3.

P. Section 3704.3.1.1 is hereby amended to read:

3704.3.1.1 Quantities Not Exceeding The Maximum Allowable Quantity Per Control Area. The outdoor storage or use of highly toxic and toxic gases in amounts exceeding the threshold quantity per control area set forth in Table 3704.3 shall be in accordance with Sections 2701, 2703, 3701, 3704.1, and 3704.3.

~~Moderately toxic gases with an LC50 less than 3000 parts per million in amounts exceeding the threshold quantity in Table 3704.3 shall comply with the requirements for toxic gases in Sections 2701, 2703, 3701, 3704.1 and 3704.3.~~

Moderately toxic gases in amounts exceeding the threshold quantity in Table 3704.3 shall comply with the requirements for toxic gases in Sections 2701, 2703, 3701, 3704.1 and 3704.3.2.1 through 3704.3.2.5.

Q. Section 3704.3.3 is hereby amended to read:

3704.3.3 Outdoor Storage Weather Protection For Portable Tanks and Cylinders. Weather protection in accordance with Section 2704.13 and this section shall be provided for portable tanks and cylinders located outdoors and not within gas cabinets or exhausted enclosures. The storage area shall be equipped with an approved automatic sprinkler system in accordance with Section 2704.5.

Exceptions Deleted

15.44.260 Modifications to Chapter 41 - PYROPHORIC MATERIALS

Section 4105.3.1 is hereby added to read:

4105.3.1 Silane distribution systems automatic shutdown. Silane distribution systems shall automatically shut down at the source upon activation of the gas detection system at levels above the alarm level and/or failure of the ventilation system for the silane distribution system.

15.44.270 Modifications to Chapter 49 - REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

The following definition in Section 4902 – DEFINITIONS – are hereby amended to read:

Wildland-Urban Interface Fire Area is a geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. See Article 86B for the applicable referenced sections of the Government Code and the Public Resources Code. The Wildland-Urban Interface Fire Area shall be defined as all areas within the City of Morgan Hill as set forth and delineated on the map entitled “Wildland-Urban Interface Fire Area” which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this chapter. The map properly attested, shall be on file in the Office of the City Clerk of the City of Morgan Hill.

15.44.280 Modifications to SECTION 4906 - HAZARDOUS VEGETATION AND FUEL MANAGEMENT

A. Section 4906.2 is hereby amended to read:

4906.2 Application. Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) including:
 - 1.1. Moderate Fire Hazard Severity Zones
 - 1.2. High Fire Hazard Severity Zones
 - 1.3. Very-High Fire Hazard Severity Zones
2. Land designated as a Very-High Fire Hazard Severity Zone or as a Wildland Urban Interface Fire Area by the City of Morgan Hill.

B. Section 4907.1 is hereby amended to read:

4907.1 General. Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175 – 51189 and any local ordinance of the authority having jurisdiction.

Persons owning, leasing, controlling, operating or maintaining buildings or structures in the locally adopted Wildland-Urban Interface Fire Area but that are not within the Very-High Fire Hazard Severity Zone and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.

Exception: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) when required by the fire code official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood; and
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

C. Section 4907.2 is hereby added to read:

4907.2 Corrective Actions. The executive body is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 4907.1 exist to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

D. Section 4980 is hereby added to read:

SECTION 4908 - FIRE PROTECTION PLAN

4908.1 General. When required by the code official, a fire protection plan shall be prepared.

4908.2 Content. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

4908.3 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

4908.4 Plan Retention. The fire protection plan shall be retained by the fire code official.

E. Section 4909 is hereby added to read:

~~SECTION 4909 - ACCESS~~

4909.1 General. Buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area shall be provided with fire apparatus access in accordance with Chapter 5 and Section 4909.2.

4909.2 Driveways. Driveways in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds. Driveways in excess of 200 feet (60 960 mm) in length and less than 20 feet (6096 mm) in width shall be provided with turnouts in addition to turnarounds. An all-weather surface shall be any surface material acceptable to the code official.

A driveway shall not serve in excess of two dwelling units.

Exception:

When such driveways meet the requirements for an access road in accordance with this chapter.

Driveway turnarounds shall be in accordance with Fire Department Standards. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

Driveway turnouts shall be an all-weather road surface at least 10 feet (3048 mm) wide and 30 feet (9144 mm) long. Driveway turnouts shall be located as required by the code official.

Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the code official.

F. Section 4910 is added to read:

SECTION 4910 - WATER SUPPLY

4910.1 General. Buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area shall be provided with fire protection water supplies in accordance with Chapter 5 and Sections 4910.2 and 4910.3.

Exception:

Buildings containing only private garages, carports, sheds and agricultural buildings with a building area of not more than 500 square feet (56 m²).

4910.2 Clearance Of Fuel. Defensible space shall be provided around water tank structures, water supply pumps and pump houses in accordance with Section 4907.

4910.3 Standby Power. Stationary water supply facilities within the wildland-urban interface area dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with the Electrical Code to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

Exceptions:

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.

2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

G. Section 4911 is hereby added to read:

SECTION 4911 - GENERAL REQUIREMENTS FOR SUPPRESSION AND CONTROL

4911.1 Scope. The provisions of this chapter establish general requirements applicable to new and existing properties located within the Wildland-Urban Interface Fire Area.

4911.2 Clearance Of Brush Or Vegetative Growth From Roadways. The code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of non-fire-resistive vegetation growth.

Exception:

Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

4911.3 Access Restrictions

4911.3.1 Restricted Entry To Public Lands. The code official is authorized to determine and publicly announce when the Wildland-Urban Interface Fire Area shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of the Wildland-Urban Interface Fire Area, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the wildland-urban interface area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within the Wildland-Urban Interface Fire Area and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

4911.3.2 Use Of Fire Roads And Defensible Space. Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

Exception:

Public officers acting within their scope of duty. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

4911.3.3 Use Of Motorcycles, Motor Scooters, Ultra light Aircraft And Motor Vehicles. Motorcycles, motor scooters, ultra light aircraft and motor vehicles shall not be operated within the Wildland-Urban Interface Fire Area, without a permit by the code official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

4911.3.4 Tampering With Locks, Barricades, Signs And Address Markers. Locks, barricades, seals, cables, signs and address markers installed within the Wildland-Urban Interface Fire Area, by or under the control of the code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the code official shall not be unlocked.

H. Section 4912 is hereby added to read:

SECTION 4912 - IGNITION SOURCE CONTROL

4912.1 General. Ignition sources shall be in accordance with Section 4912.

4912.2 Clearance From Ignition Sources. Clearance between ignition sources and grass, brush or other combustible materials shall be maintained a minimum of 30 feet (9144 mm).

4912.3 Smoking. When required by the code official, signs shall be posted stating NO SMOKING. No person shall smoke within 15 feet (4572 mm) of combustible materials or non-fire-resistive vegetation.

Exception:

Places of habitation or in the boundaries of established smoking areas or campsites as designated by the code official.

4912.4 Equipment And Devices Generating Heat, Sparks Or Open Flames. Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in the Wildland-Urban Interface Fire Area without a permit from the code official.

Exception:

Use of approved equipment in habitated premises or designated campsites that are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

4912.5 Fireworks. Fireworks shall not be used or possessed in the Wildland-Urban Interface Fire Area.

I. Section 4913 is hereby added to read:

SECTION 4913 - OUTDOOR FIRES

4913.1 General. No person shall build, ignite or maintain any outdoor fire of any kind for any purpose in or on any Wildland-Urban Interface Fire Area, except by the authority of a written permit from the code official.

Exception:

Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace or grill and are a minimum of 30 feet (9144 mm) from any combustible material or non-fire-resistive vegetation.

4913.2 Permits. Permits outdoor fires shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in Wildland Urban Interface Fire Areas under the following conditions:

1. When high winds are blowing,
2. When a person 17 years old or over is not present at all times to watch and tend such fire,
or
3. When a public announcement is made that open burning is prohibited.

4913.3 Restrictions. No person shall use a permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

4913.4 Outdoor Fireplaces, Permanent Barbecues And Grills. Outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in the Wildland-Urban Interface Fire Area without approval of the Building or Fire Code Official.

Outdoor fireplaces, permanent barbecues and grills shall be located a minimum of 30 feet (9144 mm) from any combustible material or non-fire-resistive vegetation and shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided

with an approved spark arrestor, screen or door. For the purposes of this section, ignition-resistant material shall not be considered to be combustible material.

Exception:

When approved by the Building or Fire Code Official, unprotected openings in barbecues and grills necessary for proper functioning.

J. Section 4914 is hereby added to read:

SECTION 4914 - LIQUIFIED PETROLEUM GAS INSTALLATIONS

4914.1 Vegetation Clearance around Tanks/Containers. Flammable vegetation shall be cleared a minimum of 30 feet around liquefied petroleum gas tanks/containers.

K. Section 4915 is hereby added to read:

SECTION 4915 - STORAGE OF FIREWOOD AND COMBUSITBLE MATERIALS

4915.1 General. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

4915.2 Storage For Off-Site Use. Firewood and combustible materials not for consumption on the premises shall be stored as approved by the fire code official.

L. Section 4916 is hereby added to read:

SECTION 4916 - DUMPING

4916.1 Waste Material. Waste material shall not be placed, deposited or dumped in the Wildland-Urban Interface Fire Area, or in, on or along trails, roadways or highways or against structures in the Wildland-Urban Interface Fire Area.

Exception:

Approved public and approved private dumping areas.

4916.2 Ashes And Coals. Ashes and coals shall not be placed, deposited or dumped in or on the Wildland-Urban Interface Fire Area.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tight fitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from non-fire-resistive vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7620 mm) from non-fire-resistive vegetation or structures.

M. Section 4917 is hereby added to read:

SECTION 4917 - PROTECTION OF PUMPS AND WATER STORAGE FACILITIES

4917.1 Clearance of Flammable Vegetation. Flammable vegetation shall be cleared a minimum of 30 feet from water storage equipment and pumping facilities.

SECTION 12: Chapter 15.48 (Fire Alarms in Dwellings) of Title 15 (Buildings and Construction) is hereby repealed and deleted in its entirety.

SECTION 13: Chapter 15.54 (Earthquake Hazardous Building Reconstruction) of Title 15 (Buildings and Construction) is hereby repealed and deleted in its entirety.

SECTION 14: Chapter 15.56 (Abatement of Dangerous Buildings) of Title 15 (Buildings and Construction) is hereby repealed and deleted in its entirety.

SECTION 15: Section 15.60.010 of Chapter 15.60 (Demolition Permits) of Title 15 (Buildings and Construction) is hereby amended to read as follows:

15.60.010 Demolition permit issuance prerequisites.

No demolition permits shall be issued for any building or structure for which the building official has knowledge from city records or information obtained from civic organizations that verify the building is forty years old or more, until the following procedure is followed:

A. The applicant or his agent has caused a notice to be posted on the land, in a conspicuous place, on which the structure is to be demolished for a period of fifteen days, and filed with the building division an affidavit declaring that the posting has been done. The notice shall be posted in a conspicuous place on the land, shall be at least ten inches in size, and shall contain the following words in letters at least two inches high:

NOTICE OF INTENDED DEMOLITION: ANY INTERESTED PERSON MAY APPEAL THE INTENDED DEMOLITION OF THIS BUILDING OR STRUCTURE BY WRITTEN APPEAL FILED WITH THE BUILDING OFFICIAL OF THE CITY OF MORGAN HILL, FIFTEEN (15) DAYS FROM THE DATE OF POSTING HEREOF, BUT NOT AFTER FIFTEENTH (15th) DAY FROM POSTING.

B. If no appeal is filed within this fifteen-day period, the permit shall be issued. If an appeal is filed within this fifteen-day period, the permit may be withheld for an additional sixty-day period to allow the applicant time to take steps to secure the purchase or other means of preserving the building.

SECTION 16: Chapter 8.12 (Swimming Pools) of Title 8 (Health and Safety) is hereby deleted in its entirety.

SECTION 17: Chapter 15.66 (Swimming Pools of Title 15 (Building and Construction) is hereby added as follows:

CHAPTER 15 SWIMMING POOLS

Sections:

15.66.010 - Purpose.

15.66.020 - Swimming or wading pool defined.

15.66.030 - New construction to conform with chapter provisions—Submittal of plans.

15.66.040 - Enclosure protection required—Specifications.

15.66.050 - Enclosure protection required—Exception.

15.66.060 - Governmental agencies exempt from chapter provisions.

15.66.070 - Existing installations—Determination and conformance to chapter provisions.

15.66.080 - Appeal procedures.

15.66.090 - Violation—Penalty.

15.66.010 Purpose.

The purpose of this chapter is to protect small children from the danger of falling into outdoor swimming or wading pools.

15.66.020 Swimming or wading pool defined.

"Swimming or wading pool," as used in this chapter, means an artificial basin, chamber or tank constructed of impervious material, which is attached to land in a permanent manner or is intended as a permanent installation, and having a depth of eighteen inches or more, and used, or intended to be used, for swimming, diving, wading or recreational bathing.

15.66.030 New construction to conform with chapter provisions—Submittal of plans.

On and after the effective date of the ordinance codified in this chapter, no person who owns or is in possession of any premises, whether as legal or equitable owner, purchaser under contract, tenant or licensee, shall construct, install or place, or permit to be constructed, installed or placed, on or within such premises, any outdoor swimming or wading pool unless the same is enclosed or protected in the manner provided in this chapter. After such date, no building permit shall be issued for any such swimming or wading pool unless the plans for the same have been submitted and approved by the building division of the city and comply with both the California Building Code and the provisions of this chapter.

15.66.040 Enclosure protection required—Specifications.

A. Each outdoor swimming or wading pool constructed, installed or placed within any premises on or after the effective date of the ordinance codified in this chapter shall be completely enclosed by a fence, wall or other structure. Such fence, wall or structure shall be not less than five feet in height at all points and shall be located a minimum of four feet from the nearest edge of the pool. The surrounding fence, wall or other structure may consist of a house, building or other construction. Openings in all required enclosure fencing shall have intermediate rails or an ornamental pattern such that a sphere four inches in diameter cannot pass through.

B. Self-closing and self-latching devices must be installed on all gates and doors that have direct access to the pool area. Release mechanisms shall be located a minimum of 54 inches (1372 mm) above the ground. An alarm must be installed on all doors with direct access to the pool. The alarm shall sound within seven seconds after the door and its screen, if present, are opened. The alarm shall sound continuously at 85dB at 10' for a minimum of 30 seconds and shall automatically reset under all conditions. UL 2017 requirements apply.

15.66.050 Enclosure protection required—Exception.

Any person who is required by the terms of this chapter to provide an adequate enclosure for his swimming or wading pool, may elect to provide an adequate cover for the pool. An adequate cover is one which covers the entire surface of the swimming pool so as to prevent access by a small child and which will support seventy-five pounds of weight at any point of its surface. The person who elects to provide a cover as provided in this chapter shall keep the cover in place at all times when the pool is not in use, and failure to do so shall constitute a misdemeanor and be punishable as provided in this chapter.

15.66.060 Governmental agencies exempt from chapter provisions.

The provisions of this chapter shall not apply to swimming or wading pools, owned, operated and maintained by governmental bodies or political subdivisions thereof.

15.66.070 Existing installations—Determination and conformance to chapter provisions.

A. From and after the effective date of the ordinance codified in this chapter, the city building official or his authorized representative shall have the power to determine whether any existing swimming or wading pool which was constructed, installed or placed within any premises in the city prior to the effective date of the ordinance codified in this chapter constitutes a health or safety hazard by virtue of such pool not being completely enclosed by a fence, wall or other structure as provided in Section 8.12.040 of this chapter or by an adequate cover as provided in Section 8.12.050 of this chapter. ~~In making such determination, the building official shall~~ consider such factors as the character of the neighborhood, the physical nature of the premises and the location of the pool thereon, the accessibility of the pool to small children, and similar circumstances.

B. Should the building official determine that a hazard exists as defined in this chapter, he may order the person legally responsible for the premises to comply with the provisions of this chapter in order to alleviate the unsafe or unhealthful condition. The building official shall in his order specify a reasonable time not to exceed six months for compliance with his order. Failure to so comply shall constitute a misdemeanor punishable as provided in this chapter.

15.66.080 - Appeal procedures.

A. Any person claiming to be aggrieved by an order of the city building official issued pursuant to this chapter may appeal the same by filing a written notice thereof with the city clerk. This appeal notice must be filed within ten days of receipt of the order of the building inspector, and must set forth the reasons and grounds for the appeal.

B. The city council upon consideration of the appeal, may amend, modify or vacate the order of the building inspector, and the decision of the city council shall be final.

15.66.090 - Violation—Penalty.

Any person violating any of the provisions of this chapter, and any person who fails to comply with the proper order of the building inspector as provided for in this chapter, shall for each and every violation thereof be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

SECTION 18: Exemption From CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a "project" which has the potential for causing a significant effect on the environment.

SECTION 19: Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 20: Effective Date; Publication. This ordinance shall take effect thirty (30) days after the date of its passage and adoption. The City Clerk is hereby directed to publish in

full or summary this ordinance pursuant to §36933 of the Government Code in a newspaper of general circulation in the City of Morgan Hill.

The foregoing ordinance was introduced and the title thereof read at a regular meeting of the City Council of the City of Morgan Hill held on the 15th day of December 2010, and was finally adopted at a regular meeting of said Council on the 26th day of January 2011, and said ordinance was duly passed and adopted in accordance with law.

PASSED AND ADOPTED by the City Council of Morgan Hill at the regular meeting held on the 26th day of January 2011 by the following vote:

**AYES: COUNCIL MEMBERS: Larry Carr, Rich Constantine, Marilyn Librers,
Gordon Siebert, Steve Tate**

NOES: COUNCIL MEMBERS: None

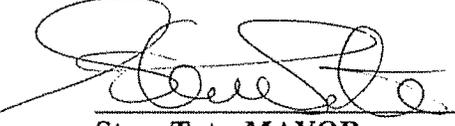
ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST:



Irma Torrez, CITY CLERK



Steve Tate, MAYOR

Effective: February 26, 2011

CERTIFICATE OF THE CITY CLERK

I, **Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2000, New Series, adopted by the City Council of the City of Morgan Hill, California at the meeting held on this 26th day of January 2011, and has been published pursuant to Government Code.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

2/8/11

Irma Torrez, City Clerk

