

BUILDING STANDARDS COMMISSION

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



January 24, 2014

Kirke W. Warren
Building and Community Preservation Manager
City of Fullerton
303 West Commonwealth Avenue
Fullerton, CA 92832-1775

RE: Ordinance #2013-59, 3199

Dear Mr. Warren:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 19, 2013.

Our review finds the submittal to contain two ordinances modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modifications are accepted for filing and are enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code 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.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF FULLERTON

Community Development Department

2013 DECEMBER 16 10:00 AM
COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF FULLERTON

December 16, 2013

California Building Standards Commission
2525 Natomas Park Dr. Suite 130
Sacramento, CA. 95833-2936

Attention: Jim McGowan

Subject: Code Amendments.

Dear Sirs:

Please find enclosed the Ordinances adopting and amending the relevant codes, with the Resolution setting fourth the findings for same.

Sincerely,

A handwritten signature in cursive script, reading "Kirke W. Warren".

Kirke W. Warren

Building and Community Preservation Manager

714-773-5799

KirkeW@ci.fullerton.ca.us

THE EDUCATION COMMUNITY

303 West Commonwealth Avenue, Fullerton, California 92832-1775
(714) 738-6540 • Fax (714) 738-3110 • Web Site: www.ci.fullerton.ca.us



RESOLUTION NO. 2013-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SETTING FORTH LOCAL CONDITIONS JUSTIFYING AMENDMENTS TO THE 2013 CALIFORNIA BUILDING CODE, AND THE 2013 CALIFORNIA RESIDENTIAL CODE, AS CODIFIED IN THE CALIFORNIA BUILDING STANDARDS CODE, PARTS 2 AND 2.5, TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, DUE TO LOCAL CLIMATIC, TOPOLOGICAL, AND GEOGRAPHIC CONDITIONS

WHEREAS, Health and Safety Code Section 17958.5 provides that the City of Fullerton may adopt ordinances and regulations imposing modified or changed requirements and incorporating them by reference into the 2013 California Building Code and the 2013 California Residential Code; and

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

WHEREAS, the findings and local amendments apply to all occupancy classifications, unless specified otherwise; and

WHEREAS, the Community Development Department has recommended that changes and modifications be made to the 2013 California Building Code and the 2013 California Residential Code, related to health and safety contained in Section 105.2, Table 1004.1.2; Section 3109.4.4.3; and Appendix J109.4, J110, and J113, of the 2013 Edition of the California Building Code, and Section R105.2 of the 2013 Edition of the California Residential Code, which are reasonably necessary due to local conditions in the City of Fullerton and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Codes or are reasonably necessary to safeguard life and property within the City of Fullerton.

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

1. That, to the extent that the City's adoption of the 2013 California Building Code, and the 2013 California Residential Code, as amended, makes changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to health and safety, such changes and modifications are reasonably necessary due to the following conditions:

Condition A. The City of Fullerton is located in an area which is subject to a climatic condition of periodic winds of extremely high velocity.

Condition B. The City of Fullerton is located in an area which is subject to a climatic condition of periodic intense rainfall.

Condition C. Traffic and circulation congestion is common throughout the City of Fullerton. This topological condition creates congestion that often places at risk the Fire Department response time to fire occurrences and makes it necessary to provide additional fire and life safety requirements to limit the exposure to death, injury, and property loss caused by fire, prior to the arrival of the Fire Department.

Condition D. The City of Fullerton is located in an area subject to the geological condition of substantial seismic activity. Several faults, including the San Andreas, are located in and around the City. These faults are expected to have a major impact on the City of Fullerton and pose a threat to life and property. It is believed these faults are capable of generating up to an 8.3 magnitude earthquake. Major earthquakes are accompanied by congested traffic flow and fires. During a major earthquake, Fire Department resources would be extremely taxed and the ability to respond would be complicated and in some cases impossible.

2. In order prevent future conditions that are detrimental to the public health and safety and may result in serious injury, it is reasonably necessary for the City of Fullerton to require the provisions of the 2013 California Building Code, and the 2013 California Residential Code be amended and those amendments adopted. Provisions of the 2013 California Building Code and the 2013 California Residential Code are modified or changed as follows, based on the findings set forth below:

- A. Section 105.2 of the 2013 California Building Code and Section R105.2 of the 2013 California Residential Code are modified by requiring that fences of reinforced concrete or masonry not over three feet high are exempt from the requirement to obtain a permit, due to the applicability of Conditions "A" and "D" set forth above.
- B. Table 1004.1.2 of the 2013 California Building Code is modified to require that a dining and drinking establishment's occupant load be based on a factor of fifteen square feet per person instead of seven square feet per person. This modification is necessary due to the applicability of Conditions "C" and "D" set forth above relating to geological seismic conditions, traffic and circulation congestion.
- C. Section 3109.4.4.3 of the 2013 California Building Code is modified by requiring that a barrier meeting specific conditions surround a private recreational pool, either separately from the residence or incorporating the residence into the barrier, due to the applicability of Conditions "A" and "D" set forth above. High winds may mask the sound of warning devices or geological seismic conditions may interfere with pool covers or the ability of doors to close automatically, posing a threat to the health and safety of the residents of the City of Fullerton.
- D. Appendix J of the 2013 California Building Code is modified due to the applicability of Conditions "B" and "D" set forth above. Seismic activity and potential heavy rains may cause the failure of improperly constructed slopes, causing a threat to the health and safety of the public.

3. The City Council of the City of Fullerton finds that the proposed local amendments are in compliance with Health and Safety Code Section 17958 and does hereby adopt the findings stated herein.

4. The Community Development Department shall file a copy of this Resolution, together with the Ordinances adopting the amendments to the 2013 California Building Code and the 2013 California Residential Code, with the California Building Standards Commission as required by Health and Safety Code Section 17958.7.

ADOPTED BY THE FULLERTON CITY COUNCIL on October 15, 2013.



Bruce Whitaker, Mayor

ATTEST:



Lucinda Williams, City Clerk

October 23, 2013
Date

City of Fullerton
RESOLUTION CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF FULLERTON)

RESOLUTION NO. 2013-59

I, Lucinda Williams, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certify that the whole number of the members of the City Council of the City of Fullerton is five; and that the City Council adopted the above and foregoing **Resolution No. 2013-59** at a regular meeting of the City Council held on the **October 15, 2013** by the following vote:

COUNCIL MEMBER AYES:	Whitaker, Sebourn, Chaffee, Flory, Fitzgerald
COUNCIL MEMBER NOES:	None
COUNCIL MEMBER ABSTAINED:	None
COUNCIL MEMBER ABSENT:	None



Lucinda Williams, MMC
City Clerk

ORDINANCE NO. 3198

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REPEALING AND REPLACING CHAPTER 14.03 (BUILDING CODE) OF TITLE 14 (BUILDING AND CONSTRUCTION) OF THE FULLERTON MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE AND APPENDICES I AND J

THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THIS ORDINANCE:

WHEREAS, Article XI, Section 7 of the California Constitution authorizes the City of Fullerton, under its police power, to enact and enforce ordinances that are not in conflict with general laws; and

WHEREAS, Government Code Section 50022.2 authorizes local agencies to adopt secondary codes such as the California Building Code, in whole or in part; and

WHEREAS, the City Council finds that the adoption of the California Building Code and the amendments set forth below will promote the health, safety, and welfare of Fullerton residents, visitors and businesses; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON DOES ORDAIN AS FOLLOWS:

Section 1. Effective January 1, 2014, Chapter 14.03 (Building Code) of Title 14 (Building and Construction) of the Fullerton Municipal Code is hereby repealed and replaced as follows:

CHAPTER 14.03 BUILDING CODE

14.03.010 California Building Code Adopted.

The California Building Code, Volumes 1 & 2, 2013 Edition, and everything contained therein, including Appendices I and J thereto, codified as Part 2 of Title 24 of the California Code of Regulations, California Building Standards Code (the "California Building Code, 2013 Edition"), is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, except those Sections that are adopted as amended in this Chapter. A copy of the California Building Code, 2013 Edition, is on file in the office of the Fullerton Building Official.

14.03.020 Title.

This Chapter and the California Building Code, 2013 Edition, as adopted by this Chapter, shall be known as the Fullerton Building Code. All references to "this Code" contained in the California Building Code, 2013 Edition, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the California Building Code, 2013 Edition, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, "Section 102" of the California Building Code, 2013 Edition, shall be deemed to be "Subdivision 102 of Section 14.03.020 of the Fullerton Municipal Code," and may be referred to as, "Section 102 of the Fullerton Building Code."

14.03.030 Amendment to Section 105.2.

Section 105.2 of Chapter 1, Division II of the California Building Code, 2013 Edition, is hereby amended to read as follows:

Building:

[. . .]

2. Fences of reinforced concrete or masonry not over three feet high.

[. . .]

14.03.040 (Reserved)

14.03.050 Addition of Sections 109.2.1 and 109.3.2 to Section 109.

Section 109 of Chapter 1, Division II of the California Building Code, 2013 Edition, is hereby amended by adding the following subsections:

SECTION 109.2.1 Plan Review Fees.

When a plan or other data is required to be submitted by Section 107.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee shall be as set forth in the Fee Schedule.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at a rate established by the Fee Schedule.

SECTION 109.3.2 Expiration of Plan Review.

Applications for which no permit is issued within 180 days following the date of final approval of plans shall expire, and plans and other data submitted for review may

thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

14.03.060 Amendment to Section 111.1.

Section 111.1 of Chapter 1, Division II of the California Building Code, 2013 Edition, is hereby amended to read as follows:

SECTION 111.1 Use or Occupancy.

No building or structure in all occupancy groups shall be used or occupied, nor shall such building or structure be connected with utility services, until the Building Official has determined compliance with this code and authorized such use or occupancy, or has issued a Certificate of Occupancy therefore as provided herein. No change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided herein.

Exception: Group R, Division 3 and Group U Occupancies, and minor tenant improvements.

14.03.070. Amendment to Section 113.

Section 113 of Chapter 1, Division II of the California Building Code, 2013 Edition, is hereby amended to read as follows:

In order for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the procedures of Chapter 14.02 of this Code shall govern the filing and hearing of such appeals.

14.03.080 Addition to Table 1004.1.2 of Section 1004.

Table 1004.1.2 of Section 1004 of Chapter 10 of the California Building Code, 2013 Edition, is hereby amended by adding the following:

**TABLE 1004.1.2
MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT**

FUNCTION OF SPACE	FLOOR AREA IN SQ. FT. PER OCCUPANT
Dance Floor Area	15 Net
Dining Rooms	15 Net
Drinking Establishments	15 Net
Lounges	15 Net
Stages	15 Net

14.03.90 Amendment to Section 3109.4.4.3.

Section 3109.4.4.3 of Chapter 31 of the California Building Code, 2013 Edition, is hereby amended to read as follows:

Enclosure; required characteristics for outdoor swimming pools. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be provided with a barrier. This barrier shall be in addition to the requirements of section 3109.4.4.2. This barrier may enclose the pool separately, or may incorporate a wall of an adjacent house or building. If the barrier incorporates the wall of a house or building that has windows or doors that open into pool enclosure area, one of the seven drowning prevention safety features listed in 3109.4.4.2 shall be provided. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches measured on the side of the barrier which faces away from the swimming pool.
2. Gaps or voids, if any, shall not allow passage of a four-inch-diameter sphere.
3. An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over the barrier.
4. Where the barrier is composed of diagonal members, such as a lattice or chain link fence, the maximum opening formed by the diagonal members shall be no more than 2-1/4 inches. Posts shall be spaced at not over eight feet on center. The bottom wire of a chain link fence shall be staked to the ground, between support posts, unless provided with a bottom rail or pipe.
5. Access gates shall have a width no greater than four feet. Gates shall comply with 1 through 4 above. Gates shall be self-closing and self-latching and swing in the direction of exit from the pool area. The latching device shall be capable of keeping the gate securely latched at all times when not in use. This section also

applies to a garage man door when there is direct communication from the street to the pool enclosure area through the garage vehicle and man door. The latching device shall be installed a minimum of 60" above the exterior grade. If a lesser mounting height must be used, then the latch shall be on the inside of the enclosure and the gates and barrier shall have no opening greater than 1/2" within 18" of the release mechanism.

6. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere.
7. The barrier shall be so arranged and constructed so that no impediment to a required exit is created, and a minimum of a three foot wide walking path is maintained between the barrier and the water.
8. All swimming pool and spa water shall be maintained in a clear condition which is free of significant algae, insects, debris and in a sanitary condition. The entire floor of the pool shall be clearly visible.

14.03.100 Addition to Appendix J, Section J109.4.

Appendix J, Section J109.4 of the California Building Code, 2013 Edition, is hereby amended to include the following paragraph:

Details of such temporary and permanent de-silting catch basins, drainage, surfacing, slope planting, and other erosion, surface water, and flood control protective devices, installations, and measures to be installed upon such property as are reasonably necessary, based upon the time of year during which the work will be commenced and completed, and upon the maximum rainfall intensity expected under conditions of a 25-year frequency storm, to prevent any damage to any public or private property from any land movement, erosion, surface water, or flooding, or from any deposit, or washing away of any soil, mud silt, rocks, sand or other earth material or debris, by, in, or from, the doing of such work, or which may originate, or come, from the site of such work. Such plans are required to show that all of such protective devices, installations and measures will comply with the Fullerton Building Code.

14.03.110 Amendment to Appendix J, Section J110.

Appendix J, Section J110 of the California Building Code, 2013 Edition, is hereby amended to read as follows:

SECTION J110.1 General.

All fill and cut slopes which are determined by the Building Official to be subject to erosion shall be planted and irrigated with an irrigation system to promote the growth of ground cover plants to protect the slopes against erosion, as required in this section. The owner shall be responsible for planting and maintaining all slopes where such is required in this section. The protection for the slopes shall be installed as soon as practical and prior to calling for final approval. A landscaping and irrigation plan shall be submitted for approval with the grading plan.

14.03.120 Addition of Section J113 to Appendix J.

Appendix J of the California Building Code, 2013 Edition, is hereby amended to include Section J113 as follows:

SECTION J113 Issuance.

The provisions of Section J104 are applicable to grading permits. No person shall do or cause or permit to be done, on any property under such person's control, any grading work between the first day of October of any year and the 15th day of April of the following year unless there shall have been first provided on the property to be graded all of the temporary or permanent protective devices, installations, and measures required to be shown on the plans for such work by Section 105, with the exception of such grading work as may be necessary to provide said protection. No person in control of any such required protection shall fail to maintain it in such a condition that it will continue to serve its purpose in the same manner as, or better than, when it was installed. No person shall remove, damage or destroy, or cause or permit to be removed, damaged or destroyed, except for repair, improvement or replacement, any such required protection without a written permit from the Building Official certifying that such protection is no longer reasonably needed.

SECTION J113.1 Performance Bond.

A grading permit shall not be issued for work which, if not completed in accordance with the approved plans and specifications, is likely to result in a hazardous condition, unless the permittee shall first file with the Building Official an agreement in writing executed by the applicant together with a performance bond in an amount sufficient to cover the cost of storm protection devices and corrective work necessary to remove and eliminate all hazards.

SECTION J113.2 Liability Bond.

Where the work referred to in Section J113.1, above, may expose adjacent private or public property to damage or cause injuries or death to others, the agreement and performance bond shall be accompanied by a certificate of insurance, verifying Comprehensive General Liability Policy with minimum combined single limits of \$500,000 per occurrence or insured's current limits, whichever is greater. The City of

Fullerton shall be endorsed as an additional insured on the policy and said policy shall not be materially changed or terminated without a minimum of thirty (30) days' notice in writing to the City.

SECTION J113.3 Cash Deposit.

Where the grading permit approves the export of excess material away from the site of grading, or approves the import of material to the site, the Permittee, in addition to compliance with Sections J113.1 and J113.2, above, shall, prior to grading permit issuance, obtain in written form from the Director of Public Works, a permit for such export or import, which permit shall:

1. Set standards and criteria for the hours of operation, routes to be taken, and traffic control, detour, and safety measures to be undertaken during the export or import operations;
2. Require the Permittee to clean up and remove all spillage or deposits of dirt, mud, silt, or other materials or debris resulting from the grading and export or import;
3. Require as a guarantee of said cleanup and repair of any City right-of-way improvement damaged during grading or hauling, the deposit of a cash bond, in an amount equal to \$500 or 5% of the valuation of the export and/or import yardage. The amount required for this bond may be adjusted as deemed necessary by the Director of Community Development or the Director of Engineering. All or any part of said amount may be used by the City to clean up or repair City streets and easements should the Permittee fail to do as required above. This cash deposit, less any City expenses and costs, shall be returned to the Permittee upon satisfactory completion of the grading work described on the grading permit, together with the City's release of any bonds or securities held therefor.

SECTION J113.4 Form.

Such agreement performance bond, liability bond or certificate of insurance, and export/import permit and cash bond shall be in a form, and executed in a manner, approved by the City Attorney before acceptance thereof by the Building Official.

SECTION J113.5 Review.

Review all proposed grading shall be reviewed by the Director of Community Development, Planning Commission, and/or City Council, as applicable for conformance with the intent and specific requirements of this Section. Unless specifically waived by the Planning Commission or City Council because of specific physical constraints or unaesthetic results, failure to suitably conform to the intent or requirements of this Section shall be cause for denial of the proposed grading or of

the proposed project of which the proposed grading is a part. Notwithstanding any other provision of this Chapter, any such denial by the Director of Community Development is appealable to the Planning Commission, and any such decision of the Planning Commission is appealable to the City Council. The decision of the City Council shall be final and shall make reference to Sections 1094.5 and 1094.6 of the California Code of Civil Procedure.

SECTION J113.6 Contoured Grading

SECTION J113.6.1 Definition.

Contour or landform grading utilizes variable slopes designed to simulate the appearance of and blend into the surrounding natural terrain.

SECTION J113.6.2 Purpose.

The purpose of this Section is to preserve the natural terrain, quality, environment and aesthetic character of the City, while encouraging creative innovative and safe residential development with a variety of housing types. This section applies to hillside grading where the City desires that new grading and construction blend into the existing hillside environment.

SECTION J113.6.3 Design Objectives.

In hillside areas characterized by steep topography and wildlife habitat, slopes shall be landform graded. Said landform grading shall utilize individually designed, creative and innovative techniques to as nearly as possible simulate natural landforms, including variable horizontal and vertical slope ratios, contour grading, planter pockets, "swale" and "knob" landforms, extensively rounded "corners", "blending" with the natural terrain where applicable, undulating (both vertically and horizontally) terraces where applicable, and camouflaged downdrains. Innovative land planning, such as single-loaded streets with split level or "upside down" housing is also encouraged.

14.03.130 Issuance of building permits as discretionary act.

The issuance of any building permit is a non-mandatory, discretionary act. Accordingly, the ability to attach conditions to the issuance of a permit is authorized. The extent of the conditions, if attached, will be based upon the nature and scope of the proposed work. These conditions may include deed restrictions, dedications, and performance standards and requirements for public improvements. Failure to comply with any attached condition would prevent the approval of permitted work and the issuance of any subsequent Certificate of Occupancy.

Section 2. Inconsistencies. Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such

inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 3. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

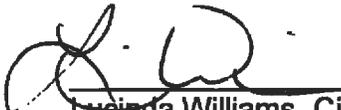
Section 4. This Ordinance shall take effect and be in full force 30 days after full passage. This Ordinance shall be posted at the following City of Fullerton locations within fifteen (15) days after adoption: City Hall Public Notice Display Case, 303 W. Commonwealth; Maintenance Services, 1580 W. Commonwealth; Museum Plaza, 301 N. Pomona; and Main Library, 353 W. Commonwealth.

ADOPTED BY THE FULLERTON CITY COUNCIL on NOVEMBER 5, 2013.



Bruce Whitaker, Mayor

ATTEST:



Lucinda Williams, City Clerk

November 12, 2013
Date

City of Fullerton
ORDINANCE CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF FULLERTON)

ORDINANCE NO. 3198

I, Lucinda Williams, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certifies that the whole number of the members of the City Council of the City of Fullerton is five; and that the above and foregoing Ordinance No. 3198 had first reading by title only, introduction, and further reading waived at the October 15, 2013 City Council regular meeting and was adopted at the November 5, 2013 City Council regular meeting by the following vote:

COUNCIL MEMBER AYES:	Whitaker, Chaffee, Sebourn, Flory, Fitzgerald
COUNCIL MEMBER NOES:	None
COUNCIL MEMBER ABSTAINED:	None
COUNCIL MEMBER ABSENT:	None



Lucinda Williams, City Clerk

ORDINANCE NO. 3199

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REPEALING AND REPLACING CHAPTER 14.04 (RESIDENTIAL CODE) OF TITLE 14 (BUILDING AND CONSTRUCTION) OF THE FULLERTON MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE AND AMENDMENT H

THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE ADOPTION OF THIS ORDINANCE:

WHEREAS, Article XI, Section 7 of the California Constitution authorizes the City of Fullerton, under its police power, to enact and enforce ordinances that are not in conflict with general laws; and

WHEREAS, Government Code Section 50022.2 authorizes local agencies to adopt secondary codes such as the California Building Code, in whole or in part; and

WHEREAS, the City Council finds that the adoption of the California Residential Code and the amendments set forth below will promote the health, safety, and welfare of Fullerton residents, visitors and businesses; and

WHEREAS, all legal prerequisites prior to the adoption of this ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON DOES ORDAIN AS FOLLOWS:

Section 1. Effective January 1, 2014, Chapter 14.04 (Residential Code) of Title 14 (Building and Construction) of the Fullerton Municipal Code is hereby repealed and replaced as follows:

CHAPTER 14.04 RESIDENTIAL CODE

14.04.010 California Residential Code Adopted.

The California Residential Code, 2013 Edition, and everything contained therein, excluding the Appendix chapters, codified as Part 2.5 of Title 24 of the California Code of Regulations, California Building Standards Code (the "California Residential Code, 2013 Edition"), is hereby adopted by reference, in accordance with Section 50022.2 of the Government Code, except those Sections that are adopted as amended in this Chapter. A copy of the California Residential Code, 2013 Edition, is on file in the office of the Fullerton Building Official.

14.04.020 Title.

This Chapter and the California Residential Code, 2013 Edition, as adopted by this Chapter, shall be known as the Fullerton Residential Code. All references to "this Code" contained in the California Residential Code, 2013 Edition, shall be deemed to refer to this Chapter. Each paragraph or section number contained in the California Residential Code, 2013 Edition, not amended by this Chapter, shall be deemed to be a subdivision of this Chapter. For example, "Section R102" of the California Residential Code, 2013 Edition, shall be deemed to be "Subdivision R102 of Section 14.04.020 of the Fullerton Municipal Code," and may be referred to as, "Section 102 of the Fullerton Residential Code."

14.04.030 Addition of Section R102.7.2 to Section R102.7.

Section R102.7 of Chapter 1, Division II of the California Residential Code, 2013 Edition, is hereby amended by adding the following section:

R102.7.2 Standards for approval of existing unpermitted structures, used for human habitation.

The codes in effect when the structure was built may be applied, if that date can be determined, and a finding can be made that a level of safety equivalent to the current code is provided. However nothing in this section shall preclude the Building Official applying the current codes to insure an adequate level of safety. For habitable structures or limited second dwelling units, specific upgrades and requirements are noted, but not limited to those shown below. Nothing in this section will eliminate or modify the requirements for compliance with any other part of the Fullerton Municipal Code.

Zoning:

The proposed use of the structure must be in compliance with Fullerton Municipal Code Title 15, Zoning.

Electrical:

Ground fault and arc fault protection of outlets will be required. Smoke and carbon monoxide detectors will be required. All electrical wiring and distribution must be installed with recognized materials and in compliance with the codes in effect at the time the structure was built, or in compliance with current codes.

Plumbing:

A legal connection to a sanitary sewer system must be provided. A water closet and sink must be provided. A source of hot water must be provided. All fuel burning

appliances must be properly installed and vented. All plumbing must be installed with recognized materials and in compliance with the codes in effect at the time the structure was built, or in compliance with current codes.

Mechanical:

A code-compliant source of heat must be provided, which can be controlled by the tenant. The heat source must be able to maintain 68 degrees throughout the dwelling 3 feet above the floor. All fuel burning appliances must be installed and vented in compliance with any applicable code. All mechanical equipment must be installed with recognized materials and in compliance with the codes in effect at the time the structure was built, or in compliance with current codes.

Egress:

Each sleeping room shall have at least one window or door that meets current egress requirements. Light and ventilation shall meet the current requirements. Structural adequacy must be verified.

Energy:

New lights or equipment must be installed in accordance with current standards. If the walls or ceilings are opened, insulation shall be installed in accordance with current codes unless precluded by structural conditions, then the appropriate thickness of insulation shall be provided that will fit in the wall or ceiling.

14.04.040 Amendment to Section R105.2, Building item 2.

Section R105.2 of Chapter 1, Division II of the California Residential Code, 2013 Edition, is hereby amended to read as follows:

Building:

[. .]

2. Fences of reinforced concrete or masonry not over three feet high.

[. .]

14.04.050 Addition of Sections R106.6 and R106.7 to Section R106.

Section R106 of Chapter 1, Division II of the California Residential Code, 2013 Edition, is hereby amended by adding the following sections:

SECTION R106.6. Plan Review Fees.

When a plan or other data is required to be submitted by Section R106.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in the Fee Schedule.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at a rate established by the Fee Schedule.

SECTION R106.7. Expiration of Plan Review.

Applications for which no permit is issued within 180 days following the date of final approval of all applicable departments, or no response has been received to a plan check correction list within 180 days shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

14.04.060 Addition to Section R110.1

Section R110.1 of Chapter 1, Division II of the California Residential Code, 2013 Edition, is hereby amended by adding the following exception:

Exceptions:

3. Group R, Division 3 and Group U Occupancies, the finalized Building or Combination Permit will serve as a Certificate of Occupancy.

14.04.070 Amendment to Section R112

Section R112 of Chapter 1, Division II of the California Residential Code, 2013 Editions, is hereby amended to read as follows:

In order for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the procedures of Chapter 14.02 of this Code shall govern the filing and hearing of such appeals.

14.04.080 Amendment to Section R301, Table R301.2(1).

Section R301, Table R301.2(1) of the California Residential Code, 2013 Editions, is hereby amended to read as follows:

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

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^o	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^a (mph)	Topographic effects ^k		Weathering ^a	Frost line Depth ^b	Termite ^c					
Zero	85	No	D ₂	Negligible	24"	Very Heavy	43	No	See Exhibit B	0	60

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

Section 2. Inconsistencies. Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 3. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 4. This Ordinance shall take effect and be in full force 30 days after full passage. This Ordinance shall be posted at the following City of Fullerton locations within fifteen (15) days after adoption: City Hall Public Notice Display Case, 303 W. Commonwealth; Maintenance Services, 1580 W. Commonwealth; Museum Plaza, 301 N. Pomona; and Main Library, 353 W. Commonwealth.

ADOPTED BY THE FULLERTON CITY COUNCIL on NOVEMBER 5, 2013.



Bruce Whitaker, Mayor

ATTEST:



Lucinda Williams, City Clerk

November 12, 2013
Date

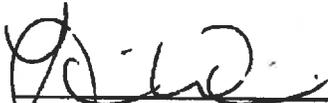
City of Fullerton
ORDINANCE CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF FULLERTON)

ORDINANCE NO. 3199

I, Lucinda Williams, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certifies that the whole number of the members of the City Council of the City of Fullerton is five; and that the above and foregoing Ordinance No. 3199 had first reading by title only, introduction, and further reading waived at the October 15, 2013 City Council regular meeting and was adopted at the November 5, 2013 City Council regular meeting by the following vote:

COUNCIL MEMBER AYES:	Whitaker, Chaffee, Sebourn, Flory, Fitzgerald
COUNCIL MEMBER NOES:	None
COUNCIL MEMBER ABSTAINED:	None
COUNCIL MEMBER ABSENT:	None



Lucinda Williams, City Clerk

BUILDING STANDARDS COMMISSION

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



February 21, 2014

Julie Kunze
Deputy Chief/Fire Marshal
City of Fullerton
312 East Commonwealth Avenue
Fullerton, CA 92832

RE: Ordinance #3206

Dear Ms. Kunze:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 17, 2014.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code 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.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

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

Sincerely,

A handwritten signature in blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF FULLERTON

Fire Department

2014 JAN 17 0 1: 27
FALLENBACH
STATION 22 & 23

January 14, 2014

California Building Standards Commission
Attn: Jim McGowan
2525 Natomas Park Dr., Suite 130
Sacramento, California 95833-2936

RE: City of Fullerton, Fire Code Adoption Ordinance

Mr. Jim McGowan:

On November 5, 2013, the City of Fullerton adopted the 2013 California Fire Standards Code with local amendments.

The City of Fullerton has recommended changes and modifications to the CA Code and has advised that certain said changes and modifications to the 2013 Edition of the California Fire Code is reasonably necessary due to local conditions in the City of Fullerton. The remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the code or are reasonably necessary to safeguard life and property within the City of Fullerton.

The enclosed City Ordinance No. 3206 and Resolution No. 2013-60 are for your files.

If additional information is desired, please call me at (714) 738-6511.

Sincerely,

Julie Kunze
Deputy Chief/Fire Marshal

Attachment: Ordinance No. 3206
Resolution No. 2013-60

THE EDUCATION COMMUNITY

312 East Commonwealth Avenue, Fullerton, California 92832-2099
(714) 738-6500 • Fax (714) 738-5355 • Web Site: www.ci.fullerton.ca.us



ORDINANCE NO. 3206

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 13.20 OF THE FULLERTON MUNICIPAL CODE BY ADOPTING BY REFERENCE THE 2013 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS, AND INCORPORATING BY REFERENCE THE 2012 INTERNATIONAL FIRE CODE WITH CALIFORNIA AMENDMENTS, AS CODIFIED WITHIN PART 9, TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS

THE CITY COUNCIL OF THE CITY OF FULLERTON DOES ORDAIN AS FOLLOWS:

Section 1. That Chapter 13.20 of the Fullerton Municipal Code, Fullerton Fire Code of 2010 is deleted in its entirety and replaced by the following:

Chapter 13.20.

2013 FULLERTON FIRE CODE

SECTIONS:

- 13.20.10 Adoption of the 2013 California Fire Code
- 13.20.20 General, Amended
- 13.20.30 Applicability, Amended
- 13.20.40 Department of Fire Prevention, Amended
- 13.20.50 Permits, Amended
- 13.20.60 Maintenance, Amended
- 13.20.70 Board of Appeals, Amended
- 13.20.80 Violations, Amended
- 13.20.90 Stop Work Order, Amended
- 13.20.100 Fees, Amended
- 13.20.110 Validity, Added
- 13.20.120 Definitions, Amended
- 13.20.130 Open Burning, Recreational Fires, and Portable Outdoor Fireplaces, Amended
- 13.20.140 Christmas Tree Sales, Added
- 13.20.150 Sky Lanterns and Similar Devices, Added
- 13.20.160 Fire Apparatus Access Roads, Amended
- 13.20.170 Premises Identification, Amended
- 13.20.180 Key Boxes, Amended
- 13.20.190 Fire Protection Water Supplies, Amended
- 13.20.200 Emergency Responder Radio Coverage, Amended
- 13.20.210 Means of Egress, Table 1004.1.1, Amended
- 13.20.220 Defensible Space, Amended
- 13.20.230 General, Amended

(Continued)

Ordinance No. 3206 - 2013 Fullerton Fire Code

- 13.20.240 Fireworks Display, Added
- 13.20.250 Appendix D, Amended

**13.20.10 ADOPTION OF THE 2013 CALIFORNIA FIRE CODE
LOCAL FULLERTON AMENDMENTS**

Pursuant to the provisions of Section 50022.1 to 50022.8, inclusive, of the Government Code of the State of California, the City Council of the City of Fullerton does hereby adopt, by reference, the 2013 Edition of the California Fire Code, incorporating by reference the 2012 International Fire Code with California Amendments, as codified within Part 9, Title 24 of the California Code of Regulations, also known as the California Building Standards Code, as amended by this Chapter, including Appendix Chapter 4, and Appendices B, BB, C, CC, D, E, F, G, I and K, but specifically excluding Appendices A, H, and J, as amended, and the whole thereof, save and except such portions as are hereinafter deleted or amended by this chapter. One copy of this Code has been and is now filed in the office of the City Clerk of the City of Fullerton and the same is hereby adopted and incorporated as if fully set out at length herein, and from the date on which this ordinance shall take effect, which is January 1, 2014, the provisions thereof shall be controlling within the limits of the City of Fullerton.

13.20.20 SECTION 101 GENERAL

Section 101.1 Title. (Amended)

These regulations shall be known as the 2013 Fullerton Fire Code, hereinafter referred to in this chapter as "this code."

13.20.30 SECTION 102 APPLICABILITY

Section 102.10 Conflicting Provisions. (Amended)

Where there is a conflict between a general requirement and a specific requirement, the fire code official shall decide which requirement meets the general intent of this code.

13.20.40 SECTION 103 DEPARTMENT OF FIRE PREVENTION

Section 103.3 Deputies. (Amended)

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees. When requested by the fire code official, the Chief of Police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

13.20.50 SECTION 105 PERMITS

Section 105.6 Required Operational Permits. (Amended)

The fire code official is authorized to issue operational permits for the operations set forth in Appendix Chapter 1, Sections 105.6.1 through 105.6.54.

Subsection 105.6.5 Cellulose Nitrate Film. (Amended)

An operational permit is required to store, handle or use cellulose nitrate film.

Subsection 105.6.48 Aircraft Refueling Vehicles. (Added)

A permit is required to operate an aircraft refueling vehicle.

Subsection 105.6.49 Christmas Tree Lot. (Added)

A permit is required to operate a Christmas tree lot in the City of Fullerton.

Subsection 105.6.50 Fire Clearance, New Business. (Added)

A fire clearance inspection is required to open or to change ownership of a Fullerton business.

Subsection 105.6.51 Fire Clearance Required by State or Other Governmental Agencies. (Added)

Classifications:

- A. Convalescent, Nursing Homes, Assisted Living
- A. Child Day Care Facilities – less than 26 persons
- C. Child Day Care Facilities – 26 or more persons
- D. Hospitals, less than 100 beds
- E. Hospitals, 100 beds or more
- F. Sanitariums
- G. Schools (private)
- H. Residential Care Facilities, less than 26 persons
- I. Residential Care Facilities, 26 or more persons
- J. Residential Care Facilities, more than 6 non-ambulatory persons

Subsection 105.6.52 Fireworks Booth (Added)

A permit is required to operate a fireworks booth in the City of Fullerton.

Subsection 105.6.53 Fireworks Display (Added)

A permit is required to conduct a public or private fireworks display in the City of Fullerton.

Subsection 105.6.54 General Use. (Added)

A General Use Permit shall be required for any activity or operation not specifically described in this section, which in the judgment of the fire code official is likely to produce conditions hazardous to life or property.

13.20.60 SECTION 107 MAINTENANCE

Section 107.6 Occupant Count. (Added)

The supervisor of each place of assembly shall have an effective system to maintain a count of the number of occupants present in order to keep the number at or below the allowable occupant load. If the fire code official determines at any time that an accurate count of occupants is not being maintained, the occupancy shall be cleared to obtain an accurate count.

13.20.70 SECTION 108 BOARD OF APPEALS

Section 108.1 Board of Appeals. (Amended)

In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the planning commission reconvened as the board of appeals. The board in conducting its business shall follow the appeals procedures articulated in Chapter 6.01 of the Fullerton Municipal Code. As to appeals pursuant to this Section, "director of community development" shall be replaced by "fire official" throughout the applicable sections of Chapter 6.01.

13.20.80 SECTION 109 VIOLATIONS

Section 109.4 Violation Penalties. (Amended)

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than 1000 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation

continues after due notice has been served shall be deemed a separate offense.

13.20.90 SECTION 111 STOP WORK ORDER

Section 111.4 Failure to Comply. (Amended)

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this Code and be subject to citations and/or penalties in amounts as determined by the City Council.

13.20.100 SECTION 113 FEES

Subsection 113.6 Permit Fees. (Added)

For each and every permit issued pursuant to this code, there shall be paid to the City of Fullerton Fire Department a fee in such amount as established by resolution of the Fullerton City Council. Failure to pay such fees shall be cause for revocation of the permit.

13.20.110 SECTION 114 VALIDITY (Added)

Section 114.1 Validity. (Added)

The Fullerton City Council hereby declares that should any section, paragraph, sentence or word of this chapter or of the California Fire Code as adopted and amended herein be declared for any reason to be invalid, it is the intent of the Fullerton City Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

13.20.120 Chapter 2, DEFINITIONS is hereby amended as follows:

“FIRE HAZARD” (Added)

Any thing or act which increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing or act which could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

“SKY LANTERN” (Added)

An airborne lantern or object typically made of paper, mylar, or other material with a wood, plastic, metal, or similar frame that contains a candle, fuel cell, or other flame or heat source that provides buoyancy.

13.20.130 SECTION 307 OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES

Section 307.6 Outdoor Fires. (Added)

Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas, except by permit from the fire code official.

Exception: Outdoor fires at occupied one and two-family dwellings where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace with spark arrester, or grill and are a minimum of 25 feet (9144 mm) from a grass, grain, brush, or forest-covered area. Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

Section 307.7 Conditions. (Added)

Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas when the following conditions exist:

1. Predicted sustained winds exceed 15 MPH at the ground level, or a red flag condition has been declared,
2. A person age 18 or over is not present at all times to watch and tend such fire, or
3. A public announcement is made that open burning is prohibited.
4. A viable water source or approved means of extinguishment is not immediately available.

13.20.140 SECTION 319 CHRISTMAS TREE SALES (Added)

Section 319.1 Christmas Tree Sales. (Added)

No person shall sell, display for sale, or store for sale in the City of Fullerton, any cut Christmas tree, unless a permit therefore has been obtained from the Fire Department.

Subsection 319.1.1 Permit – When issued. (Added)

Permits to sell, display for sale, or store for sale cut Christmas trees in the City of Fullerton may only be issued for the period from November 5 to December 31. The applicant must show that the proposed location and method of any activity will not constitute a fire hazard or violation of law.

Subsection 319. 1.2 Cleanup Deposit. (Added)

Each applicant shall make a cleanup guarantee deposit of \$250.00 with the City of Fullerton. The applicant must agree that not later than the tenth day of January following the issuance of such permit, all unsold

trees, combustible waste and accumulation of sawdust will be removed from the permitted location and disposed of properly. Following the tenth day of January the city may remove and dispose of accumulations and apply the deposit to costs, including overhead expenses, incurred by such removal.

Subsection 319.1.3 Return of Deposit. (Added)

The Fire Marshal will inspect sites as soon as possible after January 10 of each year. Permittees who have completed the site cleanup will receive a rebate of the cleanup guarantee deposit.

Subsection 319.1.4 Liability. (Added)

Each permittee shall provide general liability insurance in the amount of \$100,000 for each person and \$300,000 for each occurrence against any claim for any damages caused in any manner from the use of such lot or the keeping or sale of any Christmas trees therein. A certificate of such insurance shall be filed with the Fire Marshal showing the city as a named insured hereunder.

13.20.150 SECTION 320 SKY LANTERNS OR SIMILAR DEVICES. (Added)

Possession or use of a sky lantern or similar device employing a candle, flame or other potential ignition source shall be prohibited.

13.20.160 SECTION 503 FIRE APPARATUS ACCESS ROADS

Section 503.1 Where Required. (Amended)

Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D, as amended.

13.20.170 SECTION 505 PREMISES IDENTIFICATION

Section 505.1 Address Numbers. (Amended)

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be in accordance with Fullerton Fire Department Standard No. 7 Premise Identification. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address

numbers shall be maintained. All Address identification shall be assigned and/or approved by the City of Fullerton Engineering Department.

13.20.180 SECTION 506 KEY BOXES

Section 506.1 Where Required. (Amended)

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for emergency or non-emergency response purposes, the fire code official is authorized to require a key box, lock or key switch to be installed in an accessible location. The key box, switch, or lock shall be of an approved type listed in accordance with UL 1037, and all key boxes shall contain keys to gain necessary access a required by the fire code official.

13.20.190 SECTION 507 FIRE PROTECTION WATER SUPPLIES

Subsection 507.5.1 Where Required. (Amended)

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than allowed in Appendix C from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Subsection 507.5.1.1 Hydrant for standpipe systems. (Amended)

Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 50 feet of the fire department connections unless approved by the fire code official.

13.20.200 SECTION 510 EMERGENCY RESPONDER RADIO COVERAGE

Section 510.1 Emergency responder radio coverage in new buildings. (Amended)

All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. The Emergency responder radio coverage system shall comply with one of the following:

1. City of Fullerton Public Safety Radio System Coverage Specifications.

Exceptions:

1. Where it is determined by the fire code official that the radio coverage system is not needed.
2. In facilities where emergency responder radio coverage is required and such systems, components or equipment could have a negative impact on normal operations of the facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.

Sections 510.2; 510.4; 510.5; 510.6 are hereby deleted without replacement:

13.20.210 Chapter 10, MEANS OF EGRESS is hereby amended as follows:

TABLE 1004.1.2 Maximum Floor Area Allowances per Occupant (Amended)

Table 1004.1.2 is amended by adding the following for determining occupant load:

**TABLE 1004.1.1
MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT**

FUNCTION OF SPACE	FLOOR AREA IN SQ. FT. PER OCCUPANT
Dance Floor Area Dining Rooms Drinking Establishments Lounges Stages	15 Net

13.20.220 SECTION 4907 DEFENSIBLE SPACE

Section 4907.2 Brush Clearance in Protection Areas. (Added)

If Identified, each person or entity who owns, leases, controls, operates, or maintains any parcel of land within or adjacent to the protection area (as defined) shall comply with the Fullerton Fire Department Standard #62, Brush Clearance in the Protection Areas.

Section 4907.3 Fuel Modification in Protection Areas. (Added)

All new construction within the high or very high fire severity areas shall comply with Fullerton Fire Department Standard #61 Fuel Modification Plans and Maintenance on all New Construction in the Very High and

High Fire Hazard Severity Zones as identified by the California State Fire Marshal.

Section 4907.4 Clearance of Brush and Vegetation from Roadways. (Added)

The fire code official is authorized to require areas within 10' of each side of any portion of a roadway, highway or private street which are improved, designed or ordinarily used for vehicular traffic to be cleared of vegetation and other combustible growth. The fire code official is authorized to enter upon private property to do so.

Exception: Single specimen trees, ornamental shrubs or cultivated and irrigated ground cover such as grass, ivy, succulents, or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire.

13.20.230 SECTION 5601 GENERAL

Section 5601.2 Seizure of Fireworks. (Added)

The fire code official shall have the authority to seize, take, remove all fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Chapter 6 of Title 19 of the California Code of Regulations. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory constitutional and decisional law.

Section 5602 Explosives and blasting. (Added)

Explosives, including Safe and Sane Fireworks, shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas, or hazardous fire areas.

13.20.240 SECTION 5608 FIREWORKS DISPLAY

Section 5608.2 Firing. (Added)

All fireworks displays shall be electrically fired.

13.20.250 APPENDIX D FIRE APPARATUS ACCESS ROADS

D103 MINIMUM SPECIFICATIONS

D103.3 Turning Radius. (Amended)

The minimum turning radius shall be 28 inside/48 outside or as determined by the fire code official.

Table D103.4 Requirements for dead-end fire apparatus access roads. (Amended)

Length (feet)	Width (feet)	Turnarounds required
0-150	20	None Required
151-500	20	140' Hammerhead, 70' "Y" or 96' diameter cul-de-sac in accordance with Figure D103.1
501-750	26	140' Hammerhead, 70' "Y" or 96' diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

Diagrams on page 544 amended as per table

SECTION 2. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses may be declared unconstitutional.

SECTION 3. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner required by law. This ordinance shall become effective thirty (30) days from and after its passage.

ADOPTED BY THE FULLERTON CITY COUNCIL ON NOVEMBER 5, 2013.



Bruce Whitaker, Mayor

ATTEST:



Lucinda Williams, City Clerk

November 12, 2013
Date

RESOLUTION NO. 2013-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SETTING FORTH LOCAL CONDITIONS JUSTIFYING AMENDMENTS TO THE 2013 EDITION OF THE CALIFORNIA FIRE CODE INCORPORATING BY REFERENCE THE 2012 INTERNATIONAL FIRE CODE WITH CALIFORNIA AMENDMENTS AS CODIFIED IN THE CALIFORNIA BUILDING STANDARDS CODE, PART 9, TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS

WHEREAS, Section 17958.5 of the Health and Safety Code permits the City to make changes or modifications to the 2013 California Fire Code, incorporating by reference the 2012 International Fire Code with California amendments, as codified within the California Building Standards Code, Part 9, Title 24 of the California Code of Regulations, (hereinafter "2013 California Fire Code"), as such changes or modifications are reasonably necessary because of local climatic, geographical or topographical conditions; and

WHEREAS, Section 13143.5 of the Health and Safety Code permits a city, by ordinance, to make changes or modifications to the 2013 California Fire Code that are more stringent than the requirements published in the California Building Standards Code, Part 9, Title 24, of the California Code of Regulations, relating to fire and panic safety; and

WHEREAS, Sections 13143.5 and 17958.7 of the Health and Safety Code require the City, prior to adopting the ordinance, to make express findings that the adopted standards are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the findings and local amendments apply to all occupancy classifications, unless specified otherwise.

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

1. That to the extent that the City's adoption of the 2013 California Fire Code, as amended, makes changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety, such changes and modifications are reasonably necessary due to the following conditions as set forth in the matrix attached hereto as Exhibit "A":

Condition A. The City of Fullerton is located in an area which is subject to periodic wind conditions of extremely high velocity; the City is also subject to seasonal high temperatures and dry atmospheric conditions which often occur during times of those high-velocity winds.

Condition B. These dry climatic conditions and winds contribute to rapid spread of fires originating in high-density business and living conditions. These conditions create a need for increased levels of protection.

(Continued)

Resolution No. 2013-60 - 2013 California Fire Code

Condition C. Traffic and circulation congestion is common throughout the City of Fullerton. This congestion often places at risk the Fire Department response time to fire occurrences, and makes it necessary to provide additional fire and life safety requirements to limit the exposure to death, injury, and property loss caused by fire, prior to the arrival of the Fire Department.

Condition D. The City of Fullerton is located in an area of substantial seismic activity. Several faults, including the San Andreas, are located in and around the City. These faults are expected to have a major impact on the City of Fullerton and pose a threat to life and property. It is believed these faults are capable of generating up to an 8.3 magnitude earthquake. Major earthquakes are accompanied by congested traffic flow and fires. During a major earthquake, Fire Department resources would be extremely taxed and the ability to respond would be complicated and in some cases impossible.

2. In order to correct existing conditions and prevent future conditions that are detrimental to the public health and safety and may result in serious injury, it is reasonably necessary for the City of Fullerton to require the provisions of the 2013 California Fire Code as amended and adopted.

3. The City Council of the City of Fullerton has found that the proposed local amendments are in compliance with Health and Safety Code Section 17958 and does hereby adopt the findings stated herein and as amended by the City Council during the public hearing.

4. A copy of this Resolution, together with the Ordinance adopting the amendments to the 2013 California Fire incorporating by reference the 2012 International Fire Code shall be filed with the State Department of Housing and Community Development and with the California Building Standards Commission.

ADOPTED BY THE FULLERTON CITY COUNCIL ON OCTOBER 15, 2013.



Bruce Whitaker, Mayor

ATTEST:



Lucinda Williams, City Clerk

OCTOBER 23, 2013
Date

Matrix Table

Section	Title	Amended	Justification
503.1	Fire Apparatus Access Roads	Amended	B,C
505.1	Address Numbers	Amended	B,C
507.5.1	Where required	Amended	B,C
507.5.1.1	Hydrant for Standpipe System	Amended	B,C
510.1	Emergency Responder Radio Coverage in New Buildings	Amended	A,B,C,D
Table 1004.1.	Maximum Floor Area Allowances per Occupant	Amended	A,B,C,D
4907.2	Brush Clearance in Protection Areas	Added	A,B
4907.3	Fuel Modification in Protected Areas	Added	A,B
4907.4	Clearance of Brush and Vegetation from roadways	Added	A,B