

BUILDING STANDARDS COMMISSION

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



January 27, 2014

Jennifer Allen
Assistant to the City Clerk
City of Menifee
29714 Haun Road
Menifee, CA 92586

RE: Ordinance #2013-135

Dear Ms. Allen:

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 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



Scott A. Mann
Mayor

Wallace W. Edgerton
Deputy Mayor

John V. Denver
Councilmember

Thomas Fuhrman
Councilmember

Greg August
Councilmember

December 12, 2013

TO: California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

RE: Certified Copy of Menifee Building Ordinance No. 2013-135

Please find enclosed a certified copy of the City of Menifee Building Code Ordinance to be filed per the Health and Safety Code. Should you have any questions please contact the City Clerk's Office.

Thank you,

Jennifer Allen
Assistant to the City Clerk

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2013 DEC 19 P 2:30
CALIFORNIA BUILDING STANDARDS COMMISSION



Scott A. Mann
Mayor

Wallace W. Edgerton
Deputy Mayor

John V. Denver
Councilmember

Thomas Fuhrman
Councilmember

Greg August
Councilmember

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF MENIFEE)

I, Kathy Bennett, City Clerk of the City of Menifee, do hereby certify that the foregoing Ordinance No. 2013-135 was duly adopted by the City Council of the City of Menifee at a meeting thereof held on the 4th day of December 2013 by the following vote:

Ayes: August, Denver, Edgerton, Mann
Noes: None
Absent: None
Abstain: Fuhrman

Kathy Bennett, City Clerk

ORDINANCE NO. 2013-135

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA, ADOPTING BY REFERENCE THE 2013 EDITIONS OF THE CALIFORNIA BUILDING CODE AS CHAPTER 8.04, CALIFORNIA RESIDENTIAL CODE AS CHAPTER 8.05, CALIFORNIA GREEN BUILDING CODE AS CHAPTER 8.06, CALIFORNIA ELECTRICAL CODE AS CHAPTER 8.08, CALIFORNIA MECHANICAL CODE AS CHAPTER 8.12, CALIFORNIA PLUMBING CODE AS 8.16, AND THE 1997 EDITIONS OF THE UNIFORM HOUSING CODE AS CHAPTER 8.18, AND THE CALIFORNIA FIRE CODE AS CHAPTER 8.20, AND UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AS CHAPTER 8.22, AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO ALL OF WHICH COMPRISE THE BUILDING AND CONSTRUCTION CODE OF THE CITY OF MENIFEE.

WHEREAS, the California Building Standards Commission has adopted and published the 2013 California Building Standards Code ("CBSC"), codified in Title 24 of the California Code of Regulations; and

WHEREAS, the 2013 CBSC contains, amongst other parts, the California Building Code (Title 24, Part 2), California Residential Code (Title 24, Part 2.5), California Electrical Code (Title 24, Part 3), California Mechanical Code (Title 24, Part 4), California Plumbing Code (Title 24, Part 5), California Fire Code (Title 24, Part 9), and California Green Building Standards Code ["CALGreen Code"] (Title 24, Part 11); and

WHEREAS, the 2013 CBSC becomes effective January 1, 2014; and

WHEREAS, Sections 17922, 17958, 18941.5, and 13869 of the California Health & Safety Code provide that the governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as those contained in the most recently adopted version of the CBSC; and

WHEREAS, the City Council of the City of Menifee (the "City") wishes to update the rules and regulations governing building and construction in the City limits to reflect the 2013 CBSC, as well as to make modifications to certain building standards and administrative provisions necessary to carryout the application of the CBSC; and

WHEREAS, Sections 17958, 17958.5, 17958.7, 18941.5, and 13869 of the California Health & Safety Code provide that a city or county may make such changes or modifications to the building standards contained within the CBSC which the governing body has expressly found are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the City Council is not required to make any express findings for administrative amendments necessary to carryout the application of the CBSC and/or that do not otherwise modify a building standard; and

The City Council of the City of Menifee does hereby ordain as follows:

SECTION 1. Findings. The City of Menifee hereby finds and determines it is reasonably necessary to adopt local amendments to the 2013 CBSC due to local climatic, geological or topographical conditions.

a. Climatic Conditions:

- i. The City of Menifee is located in Riverside County. The base climate in Riverside County consists of semi-arid Mediterranean weather patterns. Areas outside of the mountain terrain annually experience extended periods of high temperatures with little or no precipitation. Hot, dry winds, which may reach speeds of 70 M.P.H. or greater, are common to the area. Examples are: Santa Ana/ Foehn winds, afternoon surface-heating generated winds, and prevailing desert winds.

These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration) which necessitates rapid identification, locating and extinguishment of all fires in the smallest stage possible. In addition to directly damaging or destroying buildings, these fires are also prone to disrupt utility services throughout Riverside County. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles, will greatly impact the response time to reach an incident scene. During these winds, the inability to use aerial type firefighting apparatus would further decrease our ability to stop fires in large buildings and place rescue personnel at increased risk of injury.

- ii. Although Riverside County and the City of Menifee occasionally experiences periods of significant drought, this area can also experience periods of substantial rainfall. When experiencing heavy rain, or rain over a period of days

or weeks, this area is subject to flooding. Runoff from rain drains either naturally into rivers, washes, and creeks or into flood control facilities. Flash flooding is typically associated with short duration, high intensity precipitation events often associated with summer thunderstorms. Such events can occur even during a drought.

- iii. Water demand in Riverside County and the City of Menifee far exceeds the quantity supplied by natural precipitation; and although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of a century with 50 percent of that growth centered in Southern California where the City of Menifee is located. Due to storage capacities and consumption, and a limited amount of rainfall, future water allocation is not fully dependable. This necessitates the need for additional and on-site fire protection features. It would also leave tall buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of available water to floors in a fire.
- iv. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features such as identification and notification will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

b. Topographical conditions

- i. Natural: Riverside County is mixed with congested urban areas, rural lands and wild lands. A large number of sensitive habitats for various animal species and vegetation consist within large open space areas between major urban centers that impact building and structure location, which impedes emergency access and response. This variety in

regions contributes to an increased emergency response time, which necessitates cooperation between local agencies.

- ii. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout Riverside County.
- iii. These topographical conditions combine to create a situation, which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

c. Geological Conditions

Located within Riverside County are several known active and potentially active earthquake faults, including the San Andreas, San Jacinto, and Elsinore Fault. In the event of an earthquake, the location of the epicenter as well as the time of day and season of the year would have a profound effect on the number of deaths and casualties, as well as property damage.

The major form of direct damage from most earthquakes is damage to construction. Bridges are particularly vulnerable to collapse, and dam failure may generate major downstream flooding. Buildings vary in susceptibility, dependent upon construction and the types of soils on which they are built. Earthquakes destroy power and telephone lines; gas, sewer, or water mains; which, in turn, may set off fires and/or hinder firefighting or rescue efforts. The hazard of earthquakes varies from place to place, dependent upon the regional and local geology. Ground shaking may occur in areas 65 miles or more from the epicenter (the point on the ground surface above the focus). Ground shaking can change the mechanical properties of some fine grained, saturated soils, where upon they liquefy and act as a fluid (liquefaction).

- i. Previous earthquakes in southern California have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high

wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings.

- ii. Road circulation features located throughout Riverside County also make amendments reasonably necessary. Located through Riverside County are major roadways, highways and flood control channels that create barriers and slow response times. Hills, slopes, street and storm drain design accompanies with occasional heavy rainfall, causes roadway flooding and landslides and at times may make an emergency access route impassable. There are areas in Riverside County that naturally have extended emergency response times that exceed the 5 minute goal.

California Health and Safety Code Section 17958.7 requires that the modification or change be expressly marked and identified as to which each finding refers. Therefore the City Council finds that the following table sets forth the 2013 CBSC codes and sections that have been modified and the associated local climatic, geological and/or topographical conditions described above supporting the modification.

2013 Fire Code Sections	Findings a, b & c
308.1.6.3	a & c
503.1.1	a, b & c
503.2.2	a, b & c
503.3	a, b & c
503.7	a, b & c
504.1	a, b & c
507.5.5	a, b & c
507.5.7	a, b & c
507.5.8	a, b & c
508.1	a, b & c
606.10.1.2	b & c
903.2	a, b & c
903.3.5.3	a & b
3204.2.1	a, b & c
B105.2	a, b & c
C102.1	a, b & c

SECTION 2. Repeal and Readoption. Chapters 8.04, 8.05, 8.06, 8.08, 8.12, 8.16, 8.18, and 8.20 of the Menifee Municipal Code (“MMC”) are hereby repealed

in their entirety; however, such repeal shall not affect or excuse any violation of said chapters that occurred prior to the effective date of this ordinance, nor shall such repeal impede, impact, or negate any administrative civil, or criminal enforcement of said chapters that occurred prior to the effective date of this ordinance. MMC Chapters 8.04, 8.05, 8.06, 8.12, 8.16, 8.18, and 8.20 are hereby readopted to read as follows:

CHAPTER 8.04: BUILDING CODE

8.04.010 Adoption by reference

8.04.020 Fees

8.04.030 Board of Appeals

8.04.040 Permits

8.04.050 Fences

8.04.060 Permit Expiration

8.04.070 Use and Occupancy

8.04.080 Definitions

8.04.090 Grading Standards

§ 8.04.010 ADOPTION BY REFERENCE

Except as hereinafter changed or modified, the 2013 California Building Code as published by the State Building Standards Commission, including all of its chapters (including Chapters 1 through 35), tables, indices, addendas, footnotes, and appendices (including appendices A through M), are hereby adopted by reference as the Menifee Building Code and incorporated into this title. A copy of the 2013 California Building Code, including the above-designated appendices, shall be on file in the office of the City Clerk.

§ 8.04.020 FEES

Chapter 1, Division I, § 1.8.4.2.1, is hereby added to read as follows:

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid in accordance with the schedule as established by resolution of the City Council of the City of Menifee.

§ 8.04.030 BOARD OF APPEALS.

(A) Chapter 1, Division I, § 1.8.8, is hereby amended by adding the following subsections:

1.8.8.1.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Building Board of Appeals. The Building Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules

of procedure for conducting its business. In the event the City Council fails to appoint such a Board, the Planning Commission shall function as such.

1.8.8.1.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board does not have the authority to interpret the administrative provisions of the Building Code, nor shall the Board have any authority to waive requirements of this code.

1.8.8.1.3 Qualifications. The Building Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City. The Building Official shall act as secretary to the Board.

1.8.8.1.4 Accessibility Appeals Board. In order to conduct the hearings on written appeals regarding action taken by the building official and to ratify certain exempting actions of the building official in enforcing the accessibility requirements of Title 24 of the California Code of Regulations for privately-funded construction, to serve as an advisor to the building official on disabled access matters, and to make recommendations to the City Council on appeals of decisions made by the building official on city-funded buildings, there shall be an Accessibility Appeals Board. The Accessibility Appeals Board shall consist of five members. Two members of the Appeals Board shall be physically disabled persons, two members shall be persons experienced in construction, and one member shall be a public member. The Building Official shall act as Secretary to the Board. The members of the Accessibility Appeals Board shall be appointed by the City Council and shall hold office at its pleasure.

The Accessibility Appeals Board may approve or disapprove interpretations and enforcement actions taken by the Building Official. All such approvals or disapprovals for privately funded construction shall be final and conclusive as to the Building Official in the absence of fraud or prejudicial abuse of discretion. The Board shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties.

§8.04.040 PERMITS.

Chapter 1, Division II, §105.1, is hereby amended to read as follows:

105.1 Permits Required. No person shall construct, erect, enlarge, alter, repair, move, improve, demolish, or change the occupancy of a building or structure, or erect, install, connect, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause, permit, or suffer any such work to

be done, without having first obtained a separate and valid permit for each such building, structure, or system from the building official.

§ 8.04.050 FENCES.

Chapter 1, Division II, § 105.2, subsection 2 under "Building" is hereby amended to read as follows:

2. Chain link, wood, or other similar fences not over seven (7) feet high, and masonry block walls less than three (3) feet high.

§8.04.060 PERMIT EXPIRATION

(A) Chapter 1, Division II, §105.5 is hereby amended to read as follows:

105.5 Permit Expiration. Except as set forth in Section 105.5.1, every permit issued by the building official shall expire by limitation and become null and void unless the work on the site authorized by such permit is commenced within 180 calendar days from its issuance. If the work authorized on the site by such permit is commenced within 180 days from its issuance date, such permit shall expire by limitation and become null and void 180 calendar days after the last successful inspection. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and good cause demonstrated. In no event shall any permit be extended, nor shall any permit otherwise be valid, for any period exceeding three (3) years from the original date of issuance.

(B) Chapter 1, Division II, §105.5.1 is hereby added to read as follows:

105.5.1 Expiration of Permit for Unpermitted Structure. Notwithstanding Section 105.5, any permit issued in order to bring an unpermitted structure (as that term is defined in Section 202 of this Code) or other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance, rule, or regulation shall expire by limitation and become null and void 90 calendar days from the date of its issuance. The building official may extend the validity of the permit for a period not exceeding 90 calendar days beyond the initial 90-day limit upon the written request by the applicant and good cause demonstrated filed with the building official prior to the expiration date of the original permit.

§8.04.070 USE AND OCCUPANCY

Chapter 1, Division II, §111.1 is hereby amended to read as follows:

111.1 Use and occupancy. No person shall use, occupy, or maintain, or allow the use or occupancy of, any unpermitted structure. No building or structure shall be used or occupied, and 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. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

§8.04.080 DEFINITIONS

Chapter 2, §202 is hereby amended to include the following:

SUCCESSFUL INSPECTION shall mean a required inspection (as set forth in Section 110.3 of this Code) in which work inspected was determined by the Building Official or designee thereof to meet all applicable minimum Code requirements and the inspection was approved and documented as successful.

UNPERMITTED STRUCTURE shall be defined as any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished or equipped, at any point in time, without the required approval(s) and permit(s) having first been obtained from the Building Official, or pursuant to a permit which subsequently expired and became null and void before receiving final approval from the Building Official.

§ 8.04.090 GRADING STANDARDS.

Section J102.1 ("Definitions") of Appendix J ("Grading") of the 2013 California Building Code is hereby amended to include the following:

Building official. For purposes of Appendix J, building official shall mean the Director of Public Works for the City of Menifee (or designee thereof).

CHAPTER 8.05: RESIDENTIAL CODE

8.05.010 Adoption of the California Residential Code

8.05.020 Fees

8.05.030 Board of Appeals

8.05.040 Permits

8.05.050 Fences

8.05.060 Permit Expiration

8.05.070 Use and Occupancy

8.05.080 Definitions

§ 8.05.010 ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE.

(A) Except as hereinafter modified or changed, the 2013 California Residential Code published by the State Building Standards Commission, including all of its chapters (including Chapters 1 through 44), tables, indices, addendas, footnotes and appendices (including appendices A through Q), is hereby adopted by reference as the Menifee Residential Code and incorporated into this title.

(B) A copy of the 2013 California Residential Code shall be on file in the office of the City Clerk.

§ 8.05.020 FEES

Chapter 1, Division I, § 1.8.4.2.1, is hereby added and read as follows:

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid in accordance with the schedule as established by resolution of the City Council of the City of Menifee.

§ 8.05.030 BOARD OF APPEALS.

(A) Chapter 1, Division I, § 1.8.8, is hereby amended by adding the following subsections:

1.8.8.1.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Building Board of Appeals. The Building Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business. In the event the City Council fails to appoint such a Board, the Planning Commission shall function as such.

1.8.8.1.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board does not have the authority to interpret the administrative provisions of the Building Code, nor shall the Board have any authority to waive requirements of this code.

1.8.8.1.3 Qualifications. The Building Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City. The Building Official shall act as secretary to the Board.

1.8.8.1.4 Accessibility Appeals Board. In order to conduct the hearings on written appeals regarding action taken by the building official and to ratify certain exempting actions of the building official in enforcing the accessibility requirements of Title 24 of the California Code of Regulations for privately-

funded construction, to serve as an advisor to the building official on disabled access matters, and to make recommendations to the City Council on appeals of decisions made by the building official on city-funded buildings, there shall be an Accessibility Appeals Board. The Accessibility Appeals Board shall consist of five members. Two members of the Appeals Board shall be physically disabled persons, two members shall be persons experienced in construction, and one member shall be a public member. The Building Official shall act as Secretary to the Board. The members of the Accessibility Appeals Board shall be appointed by the City Council and shall hold office at its pleasure.

The Accessibility Appeals Board may approve or disapprove interpretations and enforcement actions taken by the Building Official. All such approvals or disapprovals for privately funded construction shall be final and conclusive as to the Building Official in the absence of fraud or prejudicial abuse of discretion. The Board shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties.

§8.05.040 PERMITS

Chapter 1, Division II, §R105.1, is hereby amended to read as follows:

R105.1 Permits Required. No person shall construct, erect, enlarge, alter, repair, move, improve, demolish, or change the occupancy of a building or structure; or erect, install, connect, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code; or to cause, permit, or suffer any such work to be done, without having first obtained a separate and valid permit for each such building, structure, or system from the building official.

§ 8.05.050 FENCES.

Chapter 1, Division II, § R105.2, subsection 2 under "Building" is hereby amended to read as follows:

2. Chain link, wood, or other similar fences not over seven (7) feet high, and masonry block walls less than three (3) feet high.

§8.05.060 PERMIT EXPIRATION.

(C) Chapter 1, Division II, §R105.5 is hereby amended to read as follows:

R105.5 Permit Expiration. Except as set forth in Section 105.5.1, every permit issued by the building official shall expire by limitation and become null and void unless the work on the site authorized by such permit is commenced within 180 calendar days from its issuance. If the work

authorized on the site by such permit is commenced within 180 days from its issuance date, such permit shall expire by limitation and become null and void 180 calendar days after the last successful inspection. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and good cause demonstrated. In no event shall any permit be extended, nor shall any permit be valid, for any period exceeding three (3) years from the original date of issuance.

(D) Chapter 1, Division II, §105.5.1 is hereby added to read as follows:

R105.5.1 Expiration of Permit for Unpermitted Structure. Notwithstanding Section 105.5, any permit issued in order to bring an unpermitted structure (as that term is defined in Section R202 of this Code) or other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance, rule, or regulation shall expire by limitation and become null and void 90 calendar days from the date of its issuance. The building official may extend the validity of the permit for a period not exceeding 90 calendar days beyond the initial 90-day limit upon the written request by the applicant and good cause demonstrated filed with the building official prior to the expiration date of the original permit.

§8.05.070 USE AND OCCUPANCY.

Chapter 1, Division II, §R110.1 is hereby amended to read as follows:

R110.1 Use and occupancy. No person shall use, occupy, or maintain, or allow the use or occupancy of, any unpermitted structure. No building or structure shall be used or occupied, and 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. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

§8.05.080 DEFINITIONS.

Chapter 2, §R202 is hereby amended to include the following:

SUCCESSFUL INSPECTION shall mean a required inspection (as set forth in Section R109 of this Code) in which work inspected was determined by the Building Official or designee thereof to meet all applicable minimum Code requirements and the inspection was approved and documented as successful.

UNPERMITTED STRUCTURE shall be defined as any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished or equipped, at any point in time, without the required approval(s) and permit(s) having first been obtained from the Building Official, or pursuant to a permit which subsequently expired and became null and void before receiving final approval from the Building Official.

CHAPTER 8.06: GREEN BUILDING CODE

8.06.010 Adoption of the Green Building Standards Code

§ 8.06.010 ADOPTION OF THE GREEN BUILDING CODE.

(A) Except as hereinafter modified or changed, the 2013 California Green Building Standards Code published by the State Building Standards Commission, including all of its chapters (including Chapters 1 through 8), tables, indices, addendas, footnotes and appendices (including appendices A4 through A6.1), is hereby adopted by reference as the Menifee Green Building Code and incorporated into this title.

(B) A copy of the 2013 California Green Building Standards Code shall be on file in the office of the City Clerk.

CHAPTER 8.08: ELECTRICAL CODE

8.08.010 Adoption of Electrical Code

8.08.020 Commercial projects

§ 8.08.010 ADOPTION OF ELECTRICAL CODE.

Except as hereinafter changed or modified, the 2013 California Electrical Code as published by the State Building Standards Commission, including all of its chapters (including Chapters 1 through 9), tables, indices, appendices (including appendices A through I), addendas, annexes, and footnotes is hereby adopted by reference as the Menifee Electrical Code and incorporated into this title.

§ 8.08.020 COMMERCIAL PROJECTS.

(A) Annex H, § 80.19 (A) is hereby amended by adding subsection (3) which reads as follows:

(3) For all commercial projects, a California Licensed Electrical Contractor shall be responsible for obtaining permits for electrical work performed.

(B) A copy of the California Electrical Code, including the above-designated appendix, shall be on file in the office of the City Clerk.

CHAPTER 8.12: MECHANICAL CODE

8.12.010 Adoption of Mechanical Code

§ 8.12.010 ADOPTION OF MECHANICAL CODE.

(A) Except as hereinafter changed or modified, the 2013 California Mechanical Code as published by the State Building Standards Commission, including all of its chapters (including Chapters 1 through 17), tables, indices, addendas, footnotes and appendices (including appendices A through G), are hereby adopted by reference as the Menifee Mechanical Code and incorporated into this title.

(B) A copy of the California Mechanical Code, including the above-designated appendix, shall be on file in the office of the City Clerk.

CHAPTER 8.16: PLUMBING CODE

8.16.010 Adoption of Plumbing Code

§ 8.16.010 ADOPTION OF PLUMBING CODE.

(A) Except as hereinafter changed or modified, the 2013 California Plumbing Code as published by the State Building Standards Commission, including all of its chapters (including Chapters 1 through 17), tables, indices, addendas, footnotes and appendices (including appendices A through L), are hereby adopted by reference as the Menifee Plumbing Code and incorporated into this title.

(B) A copy of the California Plumbing Code, including the above-designated appendices, shall be on file in the office of the City Clerk.

CHAPTER 8.18: HOUSING CODE

8.18.010 Adoption of Housing Code

8.18.020 Substandard Buildings

§ 8.18.010 ADOPTION OF HOUSING CODE.

(A) Except as hereinafter modified or changed, the 1997 Uniform Housing Code, published by the International Conference of Building Officials and adopted as referenced in the State Housing Law, Cal. Code of Regulations Title 25, Division 1, is hereby adopted by reference as the Menifee Housing Code and incorporated into this title.

(B) A copy of the Uniform Housing Code shall be on file in the office of the City Clerk.

§8.18.020 SUBSTANDARD BUILDINGS

Chapter 10, Section 1001.1 is hereby amended by adding a new paragraph to the end of the section to read as follows:

With respect to residential structures, California Health & Safety Code Division 13, Part 1.5, Section 17920.3, et seq. (known as the "State Housing Law") supersedes the applicability of the Uniform Housing Code to the degree that any conflict between the State Housing Law and the Menifee Housing Code exists.

CHAPTER 8.20: FIRE CODE

8.20.010 Adoption of Fire Code

8.20.020 Penalties

8.20.030 Liability for fires

§ 8.20.010 ADOPTION OF FIRE CODE.

(A) Except as hereinafter changed or modified, the 2013 California Fire Code as published by the State Building Standards Commission, including all of its chapters (including Chapters 1 through 80), tables, indices, addendas, footnotes and appendices (including appendices A through C and E through H), are hereby adopted by reference and incorporated into this title.

(B) Chapter 1, Division II, §103.2 is hereby deleted in its entirety.

(C) Chapter 1, Division II, §103.4 is hereby amended to add §103.4.2 to read as follows:

103.4.2 Cost Recovery. Fire suppression, investigation, rescue or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1, as amended. Additionally, any person who negligently, intentionally or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150, et seq, as amended. Any expense incurred by the Riverside County Fire Department for securing such emergency shall constitute a debt of such person and shall be collectable by Riverside County in the same manner as in the case of an obligation under contract, express or implied.

(D) Chapter 1, Division II, §104.3 is hereby amended to add §104.3.2 to read as follows:

104.3.2 Authority of the Fire Chief and Fire Department.

1. The Fire Chief is authorized and directed to enforce all applicable State fire laws and provisions of this Municipal Code and to perform such duties as directed by the City Council.
2. The Fire Chief is authorized to administer, interpret and enforce this ordinance. Under the Fire Chief's direction, the Riverside County Fire Department is authorized to enforce the City of Menifee Municipal Code pertaining to the following:
 - 2.1. The prevention of fires.
 - 2.2. The suppression or extinguishment of dangerous or hazardous fires.
 - 2.3. The storage, use and handling of hazardous materials.
 - 2.4. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.
 - 2.5. The maintenance and regulation of fire escapes.
 - 2.6. The maintenance of fire protection and the elimination of fire hazards on land, in buildings, structures and other property, including those under construction.
 - 2.7. The maintenance of means of egress.
 - 2.8. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.
3. The following persons are hereby authorized to interpret and enforce the provisions of this ordinance and to make arrests and issue citations as authorized by law:
 - 3.1. The Unit Chief, Peace Officers and Public Officers of the California Department of Forestry and Fire Protection.
 - 3.2. The Fire Chief, Peace Officers and Public Officers of the Riverside County Fire Department.
 - 3.3. The Riverside County Sheriff and any deputy sheriff.
 - 3.4. The Police Chief and any Police Officer of any city served by the Riverside County Fire Department.
 - 3.5. Officers of the California Highway Patrol.
 - 3.6. Code Officers of the City of Menifee Code Enforcement Department.

(E) Chapter 1, Division II, §104 is hereby amended to add §104.12 to read as follows:

104.12 Authority of the Fire Chief. Except upon National Forest Land, the Fire Chief is authorized to determine and announce the closure of any hazardous fire area or portion thereof. Any closure by the Fire Chief for a period of more than fifteen (15) calendar days must be approved by the Board

of Supervisors and/or City Council, whichever has jurisdiction, within fifteen (15) calendar days of the Fire Chief's original order of closure. Upon such closure, no person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas. During such closure, the Fire Chief shall erect and maintain at all entrances to the closed area sufficient signs giving notice of closure. This section shall not prohibit residents or owners of private property within any closed area, or their invitees, from going in or being upon their lands. This section shall not apply to any entry, in the course of duty, by a peace officer, duly authorized public officer or fire department personnel.

(F) Chapter 1, Division II, §109.4 is hereby deleted in its entirety.

(G) Chapter 2, §202 is hereby amended to add the following definitions:

CALIFORNIA FIRE CODE. The 2013 Fire Code part of the California Building Standard Code, also known as California Code of Regulations, Title 24, Part 9.

CALIFORNIA RESIDENTIAL CODE. California Code of Regulations, Title 24, Part 2.5.

FIRE CHIEF. The Fire Chief of Riverside County or the Fire Chief's designee.

FIRE PROTECTION ENGINEER. A professional engineer with the education and experience to understand the engineering problems related to safeguarding life and property from fire and fire-related hazards, to identify, evaluate, correct or prevent present or potential fire and fire related panic hazards in buildings, groups of buildings, or communities, and to recommend the arrangement and use of fire resistant building materials and fire detection and extinguishing systems, devices, and apparatus in order to protect life and property.

HAZARDOUS FIRE AREA. Private or public land not designated as state or local fire hazard severity zone (FHSZ) which is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief.

RIVERSIDE COUNTY SHERIFF'S DEPARTMENT. The police department of the city of Menifee as established and maintained by direction of the city council from time to time.

SKY LANTERN. An airborne lantern typically made of paper, Mylar, or other lightweight material with a wood, plastic, or metal frame containing a candle, fuel cell, or other heat source that provides buoyancy.

(H) Chapter 3, §308.1.6 is hereby amended to add new section 308.1.6.3 to read as follows:

Section 308.1.6.3 Sky Lanterns or similar devices. The ignition and/or launching of a Sky Lantern or similar device are prohibited.

Exception: Upon approval of the fire code official, sky lanterns may be used as necessary for religious or cultural ceremonies providing that adequate safeguards have been taken as approved by the fire code official. Sky Lanterns must be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

(I) Chapter 4, §404.2 is hereby amended to add §16 to read as follows:

16. Windowless buildings having an occupant load of fifty (50) or more.

(J) Chapter 5, §503.1.1 is hereby amended to add the following exceptions:

Exception. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

(K) Chapter 5, §503.2.2 is hereby amended to read as follows:

503.2.2 Authority. The fire code official shall be the only authority authorized to designate fire apparatus access roads, fire lanes and modify the minimum fire lane access widths for fire or rescue operations.

(L) Chapter 5, §503.3 is hereby amended to read as follows:

503.3 Marking. Fire apparatus access roads, where required, shall be identified by curbs painted red on both the top and face along the entire length of the fire apparatus access road. Where no curbs exists or a rolled curb is installed, a six (6) inch wide red strip shall be applied the full length of the fire apparatus access road or approved posted signs shall be installed in accordance with the Riverside County Fire Department Standards.

Exception: On school grounds this requirement shall be implemented as approved by the fire code official.

(M) Chapter 5, §503 is hereby amended to add a new §503.7 to read as follows:

503.7 Loading areas and passenger drop-off areas. On private properties, where fire apparatus access roads are utilized for loading or unloading or utilized for passenger drop-off or pick-up, an additional eight (8) feet of width shall be added to the minimum required width for the fire apparatus access road.

(N) Chapter 5, §504.1 is hereby amended to add the following language to the end of the first paragraph:

Where ground ladder access is the only means to reach the highest point on the building, the finished grade on all exterior sides of buildings shall be flat and free of any obstructions that would interfere with ground ladder placement. This distance from the building to finished grade shall be determined by the Fire Chief.

(O) Chapter 5, §507.5.5 is hereby amended to read as follows:

507.5.5 Clear Space Around Hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, Fire Department connections, exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved.

(P) Chapter 5, §507.5 is hereby amended to add new §507.5.7 to read as follows:

507.5.7 Fire hydrant size and outlets. Fire hydrant size and outlets shall be required as determined by the fire code official.

1. Residential Standard—one (1) four (4) inch outlet, and one (1) two and one half (2 ½) inch outlet.
2. Super Hydrant Standard—one (1) four (4) inch outlet, and two (2) two and one half (2 ½) inch outlet.
3. Super Hydrant Enhanced—two (2) four (4) inch outlet, and one (1) two and one half (2 ½) inch outlet.

(Q) Chapter 5, §507.5 is hereby amended to add new §507.5.8 to read as follows:

507.5.8 Fire hydrant street marker. Fire hydrant locations shall be visually indicated in accordance with Riverside County Fire Department Std. 06-11. Any hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer, or person responsible for the removal or damage.

(R) Chapter 5, §508.1 is hereby amended to read as follows:

Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code, and buildings greater than 300,000 square feet in area, and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, a fire command center for fire department operations shall be provided and shall comply with Sections 508.1 through 508.1.5.

(S) Chapter 5, §508.1.3 is hereby amended to add the following exceptions:

Exception: When solely required due to building area greater than 300,000 square feet, the fire command center shall be a minimum of 96 square feet (9 m²) with a minimum dimension of 8 feet (2438 mm)

(T) Chapter 5, §508.1.5 is hereby amended to add the following exception as follows:

Exception: When solely required due to building area greater than 300,000 square feet, the fire command center shall comply with NFPA 72 and contain features 5, 8, 10, 12, 13 & 14. All other features shall be provided only when the building contains the respective system/functionality.

(U) Chapter 6, §606.10.1.2 is hereby amended to read as follows:

606.10.1.2 Manual operation. When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room, in a secure metal box or equivalent and marked as Emergency Controls.

(V) Chapter 9, §903.2 hereby amended to read as follows:

903.2 Where required. In all new buildings and structures which are 3,600 square feet or greater an approved automatic sprinkler system shall be provided regardless of occupancy classification. Where the California Fire Code is requiring more restrictive requirements in Sections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.2, 903.2.3, 903.2.4, 903.2.5, 903.2.5.2, 903.2.6, 903.2.7, 903.2.8, 903.2.9, 903.2.10, 903.2.11.6, 903.2.16, 903.2.18, the more restrictive requirement shall take precedence. The following exceptions in the California Fire Code shall not be allowed:

Exception in Section 903.2.3

Exception in Section 903.2.6

Exception in Section 903.2.11.3

One- and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in mobile homes, manufactured homes and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.

(W) Chapter 9, §903.3.5 is hereby amended to add §903.3.5.3 to read as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

(X) Chapter 32, §3204.2 hereby amended to add §3204.2.1 to read as follows:

3204.2.1 Minimum requirements for client leased or occupant owned warehouses. Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible fire protection engineer shall perform a survey of the building to determine commodity classification, storage configuration, building height and other information related to the development of an appropriate sprinkler system design. The fire protection engineer shall also make reasonable efforts to meet with the building owner or operator to understand seasonal or customer related fluctuations to the stored commodities, storage height, and configuration. The sprinkler design shall be based on the most demanding requirements determined through the onsite survey and discussions with the building owner or operator. The technical report shall describe the basis for determining the commodity and sprinkler design selection, how the commodities will be isolated or separated, and include referenced design document(s), including NFPA 13 or the current applicable factory mutual data sheets. If a specific fire test is used as the basis of design, a copy of the fire test report shall be provided at the time of plan review.

(Y) Chapter 49, §4904 is hereby amended to add §4904.3 to read as follows:

4904.3 High Fire Hazard Severity Zone Maps. In accordance with Government Code Sections 51175 through 51189, Very High Fire Hazard Severity Zones are designated as shown on a map titled Very High Fire Hazard Severity Zones, dated April 8, 2010 and retained on file at the office of the Fire Chief and supersedes other maps previously adopted by Riverside County designating high fire hazard areas.

(Z) Appendix B, §B105.2, Exception 1 is hereby amended to read as follows

Exception 1: A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.

(AA) Appendix C, §C102.1, is hereby amended to read as follows

C102.1 Fire hydrant locations. Fire hydrants shall be provided at street intersections and along required fire apparatus access roads and adjacent public streets.

(BB) Appendices D, I, J, and K are hereby deleted in their entirety.

(CC) A copy of the California Fire Code, including the above-designated appendix, shall be on file in the office of the City Clerk.

§ 8.20.030 PENALTIES.

(A) No person shall violate, or fail to comply with, any requirements of this chapter, the codes or ordinances adopted hereby and the terms and conditions applicable to any license or permit granted hereunder. Unless a different penalty is prescribed, each violation, or any failure to perform an act made mandatory by this chapter or the codes hereby adopted, and every violation of the terms or conditions applicable to any license or permit granted hereunder, is punishable as provided in Title 1 of the municipal code, including, but not limited to, enforcement by administrative citation as provided in Chapter 1.03 thereof.

(B) The violation of any of the provisions of any codes and/or ordinances adopted in this chapter, or of any license or permit granted thereunder, shall constitute a nuisance and may be abated by the city through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of the nuisances.

§ 8.20.040 LIABILITY FOR FIRES.

Any person who, or through another, willfully, negligently or in violation of law sets a fire, allows a fire to be set, or allows a fire kindled or attended by the person to escape from his or her control, allows any hazardous material to be handled, stored or transported in a manner in violation of any local, state or federal law, regulation or statute or standard, allows any hazardous material to escape from his or her control, neglects to properly comply with any written notice of the Fire Department, or willfully or negligently allows the continuation of a violation of the City Fire Code, is liable for the expense of fighting the fire or for the expense incurred during a hazardous materials incident and the expense shall be a charge against that person. The charge shall constitute a debt of the person and is collectible by the public agency incurring the expense in the same manner as in the case of an obligation under a contract, expressed or implied.

SECTION 3. Dangerous Building Code. A new Chapter 8.22 ("Dangerous Building Code") is hereby adopted to read as follows:

CHAPTER 8.22: DANGEROUS BUILDING CODE

8.22.010 Adoption of Dangerous Building Code

§ 8.22.010 ADOPTION OF DANGEROUS BUILDING CODE.

(A) Except as hereinafter modified or changed, the 1997 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of

Building Officials is hereby adopted by reference as the Menifee Dangerous Building Code and incorporated into this title.

(B) A copy of the Uniform Code for the Abatement of Dangerous Buildings shall be on file in the office of the City Clerk.

SECTION 4. References to Prior Code. Unless superseded and expressly repealed, references in the City forms, documents and regulations to the chapters and sections of the former City's Building and Construction Code, Title 8 of the Menifee Municipal Code, shall be construed to apply to the corresponding provisions contained in this Ordinance of the City of Menifee and all other ordinances or parts or ordinances in conflict herewith are hereby superseded and expressly repealed.

SECTION 5. Severability and Validity. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Menifee by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

SECTION 6. Effective Date. In accordance with California Government Code Section 36937, this Ordinance shall take effect and be in force on the thirty-first (31st) day after adoption.

APPROVED AND ADOPTED ON THIS 4th DAY OF DECEMBER, 2013.



Scott A. Mann, Mayor

APPROVED AS TO FORM:



Julie Hayward Biggs, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, KATHY BENNETT, City Clerk of the City of Menifee, do hereby attest to and certify the attached Ordinance No. 13-135 to be the original ordinance adopted by the City Council of the City of Menifee on and that said ordinance was published in accordance with the law.

Date:

12/4/13



Kathy Bennett, City Clerk