

BUILDING STANDARDS COMMISSION

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



January 8, 2014

John D. Lippitt
Deputy Fire Marshal
City of San Rafael
1039 C Street
San Rafael, CA 94901

RE: Ordinance #1914

Dear Mr. Lippitt:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 5, 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



MAYOR GARY O. PHILLIPS
VICE MAYOR BARBARA HELLER
COUNCILMEMBER KATE COLIN
COUNCILMEMBER DAMON CONNOLLY
COUNCILMEMBER ANDREW CUYUGAN MCCULLOUGH

December 3, 2013

FIRE DEPARTMENT
CHRISTOPHER GRAY, FIRE CHIEF
PHONE: 415 485-3304
FAX: 415 453-1627

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

RECEIVED
CALIFORNIA BUILDING STANDARDS COMMISSION
2013 DEC -5 PM 3:22

RE: Filing of City of San Rafael Local Amendments to Title 24, Part 9

Please accept the enclosed submittal of the adoptive ordinance codifying our local amendments to the California Code of Regulations Title 24, Part 9, 2013 California Fire Code. The findings for the local amendments are included within the ordinance documents located in Division 2, on page 21.

Thank you for your consideration of our request for filing of local amendments to Title 24, Part 9.

Respectfully,

John D. Lippitt,
Deputy Fire Marshal
Fire Prevention Bureau
(415) 485-5067



Enclosure:

- (1) Ordinance No. 1914 – Title 4, Chapter 4.08 FIRE CODE, Municipal Code of the City of San Rafael

CLERK'S CERTIFICATE

I, ESTHER C. BEIRNE, Clerk of the City of San Rafael, and Ex-Officio Clerk of the Council of said City, do hereby certify that the foregoing:

ORDINANCE NO. 1914

ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 4 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTER 4.08 THERETO, ADOPTING THE CALIFORNIA FIRE CODE, 2013 EDITION, AND THE INTERNATIONAL FIRE CODE, 2012 EDITION, WITH AMENDMENTS; ADOPTING ENFORCEMENT, PENALTY AND APPEALS PROVISIONS FOR SUCH CODES; ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO SUCH CODES; AND ADOPTING A FINDING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINE SECTION 15061(b)(3).

is a true and correct copy of an Ordinance of said City, and was introduced at a REGULAR meeting of the City Council of the City of San Rafael, held on the 18th day of November, 2013; a SUMMARY of Ordinance No. 1914 was published as required by City Charter in the MARIN INDEPENDENT JOURNAL, a newspaper published in the City of San Rafael, and passed and adopted as an Ordinance of said City at a REGULAR meeting of the City Council of said City, held on the 2nd day of December, 2013, by the following vote, to wit:

AYES:	COUNCILMEMBERS:	Bushey Lang, Colin, Connolly, McCullough & Mayor Phillips
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

WITNESS my hand and the official
Seal of the City of San Rafael this
3rd day of December, 2013

ESTHER C. BEIRNE
ESTHER C. BEIRNE
City Clerk

ORDINANCE NO. 1914

ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 4 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTER 4.08 THERETO, ADOPTING THE CALIFORNIA FIRE CODE, 2013 EDITION, AND THE INTERNATIONAL FIRE CODE, 2012 EDITION, WITH AMENDMENTS; ADOPTING ENFORCEMENT, PENALTY AND APPEALS PROVISIONS FOR SUCH CODES; ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO SUCH CODES; AND ADOPTING A FINDING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINE SECTION 15061(b)(3).

THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. Title 4, Chapter 4.08 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

CHAPTER 4.08. FIRE CODE

Sections:	4.08.010	Purpose.
	4.08.020	Adoption of the California Fire Code, 2013 Edition and the International Fire Code, 2012 Edition, with Amendments.
	4.08.030	Definitions.
	4.08.040	Administer and Enforcement of the Fire Code.
	4.08.050	The Fire Chief has Powers of Police and authority to arrest and issue citations.
	4.08.060	Restrictions on the storage of flammable and combustible liquids in aboveground tanks outside of buildings.
	4.08.070	Restrictions on the storage and dispensing of liquefied petroleum gases (LP-gas).
	4.08.080	Explosives and blasting agents prohibited.
	4.08.090	Restrictions on storage of compressed natural gas.
	4.08.100	Restrictions on storage of stationary tanks of flammable cryogenic fluids.
	4.08.110	New materials, processes or occupancies which may require permits.
	4.08.120	Amendments to the Fire Code.
	4.08.130	Enforcement and Penalties.
	4.08.140	Appeals:

4.08.010 Purpose.

The 2013 California Fire Code and the 2012 International Fire Code as described in Section 4.08.020 are adopted for the following purposes:

1. To prescribe regulations and building standards in order to protect life and property from fire, explosion, earthquake and other disasters;
2. To provide for permits as prescribed herein;
3. To establish and maintain a Fire Prevention Bureau;
4. To provide penalties for violations of this code.

4.08.020 Adoption of the California Fire Code, 2013 Edition and the International Fire Code, 2012 Edition, with Amendments.

The City Council hereby adopts for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain codes which contain building standards and fire safety standards known as the 2013 California Fire Code (International Fire Code, 2012 Edition as amended by the State of California) as published by the California Building Standards Commission, together with appendices B, C, D, F, I and K thereto; and the 2012 International Fire Code; save and except such portions as are herein added, deleted, modified or amended. Where conflicts occur between provisions of the 2013 California Fire Code and the 2012 International Fire Code, the provisions of the 2013 California Fire Code as amended shall apply.

4.08.030 Definitions.

Except as words are defined in section 4.08.120, the words used in this chapter and in the adopted codes listed in 4.08.020 shall have the meaning as defined below.

The following words are defined:

1. Whenever the words "Building Code" are used, they shall mean the California Building Code, as adopted by the City of San Rafael, with amendments.
2. Whenever the words "Residential Code" are used, they shall mean the California Residential Code, as adopted by the City of San Rafael, with amendments.
3. Whenever the words "Fire Code" are used, they shall mean this chapter and the codes and standards adopted in section 4.08.020, with amendments.
4. Whenever the word "Jurisdiction" is used, it shall mean the City of San Rafael.

4.08.040 Administration and Enforcement of the Fire Code.

A. The Fire Chief has the authority to interpret, administer and enforce this code. The Fire Chief may delegate any or all of his authority under this code to such duly authorized subordinates in the Fire Department as he may designate and the actions of such duly authorized subordinates shall be construed as valid actions of the Fire Chief.

B. The Fire Chief shall have the authority and powers of a Code Enforcement Official, as specified in San Rafael Municipal Code Chapters 1.08 and 1.40, in performing the duties under this code.

C. The Fire Chief shall have the authority to order the immediate abatement of any hazard, located within or on public or private property and any public thoroughfare or railroad, when deemed by the Fire Chief to be an imminent hazard to the life, health, safety and the well being of the public, firefighters and other City employees.

D. Whenever the Fire Chief finds an activity or use regulated by this code being performed or used in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Fire Chief is authorized to issue an order to cause the activity or use to cease or desist immediately.

4.08.050 The Fire Chief has Powers of Police and authority to arrest and issue citations.

A. The Fire Chief and his duly authorized subordinates shall have the powers of a police officer in performing their duties under this code. When requested to do so by the Fire Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist them in enforcing the provisions of this code.

B. The Fire Chief and his duly authorized subordinates shall have authority to arrest or to cite any person who violates any provision of the Fire Code, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended.

C. It is the intent of the City Council that the immunities provided in Penal Code Section 836.5 be applicable to the aforementioned Fire Chief and his duly authorized subordinates exercising their arrest or citation authority within the course and scope of their employment pursuant to this code.

4.08.060 Restrictions on the storage of flammable and combustible liquids in aboveground tanks outside of buildings.

A. Pursuant to Sections 5704.2.9.6.1 and 5706.2.4.4 of the Fire Code, except as provided in Subsection B of this Section, the storage of flammable and combustible liquids outside buildings in aboveground tanks is prohibited in all

areas of the City.

B. Providing storage of flammable and combustible liquids is within an approved aboveground fuel storage tank as required by the Fire Code, such storage and quantities are permitted in the following districts as defined in Title 14 of the Municipal Code:

1. Districts designated as I, LI/O, M, MC, or CCI/O shall be permitted to have a maximum of ten thousand (10,000) gallons at any one (1) site.
2. Districts designated as PD, providing that they are industrial use in nature, shall be permitted to have a maximum of ten thousand (10,000) gallons at any one (1) site.
3. Districts designated as GC, C/O, FBWC, or PD (providing that they are commercial use) shall be permitted to store a maximum of five thousand (5,000) gallons at any one (1) site.
4. Discretion may be exercised by the Fire Chief to modify the maximum capacities allowed by this section, in accordance with regulations and standards adopted by the Fire Chief to protect against any increased hazards to life or property.

C. Bulk plants for the storage of flammable or combustible liquids are prohibited within the jurisdiction.

D. Prior to the Fire Department authorizing installation of a tank system, the applicant shall apply for and obtain Environmental and Design Review Permit approval from the Community Development Department as provided in Chapter 14.25.

4.08.070 Restrictions on the storage and dispensing of liquefied petroleum gas (LP-gas).

A. Pursuant to Section 6104.2 of the Fire Code, except as provided in Subsection B of this Section, the storage of LP-gas is prohibited in all areas of the City.

B. Storage, limited to one thousand (1,000) gallons of LP-gas at any one (1) site, is permitted in the following districts as defined in Title 14 of the Municipal Code, except that up to one thousand five hundred (1,500) gallons of LP-gas may be permitted at any one (1) site, provided that the LP-gas storage tank system is protected in a manner approved by the Fire Chief:

1. Districts designated as I, LI/O or CCI/O;
2. Districts designated as PD, providing that they are industrial use in nature;
3. Districts designated as GC, C/O, FBWC, HO, 2/3 MUE, 2/3 MUW, M, MC or PD (providing that they are commercial use) only if the tank system is wholly protected in a manner approved by the Fire Chief.

C. The storage of any LP-gas tank system in any residential district is prohibited unless there are no natural gas lines available to be connected to the residence.

D. The dispensing of LP-gas is prohibited in all districts except such dispensing is permitted in those districts outlined in Subsection B of this Section.

- E. Exceptions to the Restrictions.
 - 1. Limited quantities only when used in conjunction with home LP-gas barbecues, recreational vehicles or similar uses;
 - 2. Limited quantities only when used in conjunction with LP-gas driven vehicles;
 - 3. Limited quantities only when used in conjunction with construction projects for which a Building Permit has been issued;
 - 4. Existing bulk LP-gas facilities shall be able to continue their use and shall be able to relocate their facilities with the express permission of the Fire Chief and the City Council.
- F. Prior to the Fire Department authorizing installation of a tank system, the applicant shall apply for and obtain Environmental and Design Review Permit approval from the Community Development Department as provided in Chapter 14.25.

4.08.080 Explosives and blasting agents prohibited:

Except where a Fire Permit is issued in accordance with Section 105.6.14, Section 105.6.36, or Section 105.6.47 of the Fire Code, the manufacture, storage, handling, sale, or use of any explosives, explosive materials, blasting agents, fireworks or pyrotechnic special effects is prohibited within the jurisdiction.

4.08.090 Restrictions on storage of compressed natural gas.

Compressed natural gas facilities are prohibited in all areas of the City except the following districts as defined in Title 14 of the Municipal Code:

- 1. Districts designated as I, LI/O or CCI/O;
- 2. Districts designated as PD providing that they are industrial use in nature.

4.08.100 Restrictions on storage of stationary tanks of flammable cryogenic fluids.

Pursuant to Section 5504.3 of the Fire Code, the storage of flammable cryogenic fluids in stationary containers is prohibited in all areas of the City except the following districts as defined in Title 14 of the Municipal Code:

- 1. Districts designated as I, LI/O or CCI/O;
- 2. Districts designated as PD providing that they are industrial use in nature.

4.08.110 New materials, processes or occupancies which may require permits.

The Fire Chief shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, process or occupancies which shall require permits in addition to those now enumerated in the Fire Code. The Fire Chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

4.08.120 Amendments to the Fire Code.

The 2013 California Fire Code and the 2012 International Fire Code are amended or modified, as follows:

Section 1.11.2.1 is hereby amended to read as follows:

1.11.2.1.1 Enforcement. Pursuant to Health & Safety Code Section 13146, the Fire Chief shall have the responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal, for Group R-3 occupancies and all buildings and property subject to regulation by the City.

Section 102.5 is hereby amended to read as follows:

102.5 Application of California Residential Code. Where structures are designed and constructed in accordance with the *California Residential Code*, the provisions of this code shall apply as follows:

1. Design and construction provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Provisions of this code pertaining to the interior of the structure shall apply when specifically required by this code, including but not limited to Section 903.2. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code also shall apply.
2. Administrative, operational and maintenance provisions: All such applicable provisions of this code shall apply.

Section 103.1 is hereby amended to read as follows:

103.1 Fire Prevention Bureau. The Fire Prevention Bureau is established within the Fire Department under the direction of the Fire Chief. The function of the Fire Prevention Bureau shall include the interpretation,

implementation, administration and enforcement of the Fire Code and adopted standards. The Fire Prevention Bureau is authorized to enforce the provisions of other codes and ordinances of the City pertaining to the storage, handling and use of hazardous materials, fire and life safety, and the fire protection system requirements of the Building Code and the Residential Code.

Section 104.12 is hereby added to read as follows:

104.12 Liability of persons causing a Fire Department response. The Fire Department may recover the costs and expenses of a Fire Department response (incident) within the responsibility for enforcement of the Fire Chief, including all costs and expenses of the Fire Department and other mutual aid Fire Departments responding to the incident, where the incident has been caused by the willful misconduct or negligence of the party that caused the incident. These response costs shall be a debt of the business, corporation, individual or other responsible party owed to the Fire Department and to the other responding mutual aid Fire Departments. The City may collect response costs on behalf of itself, and also may collect response costs on behalf of the other mutual aid Fire Departments with their consent. The mutual aid Fire Departments also may collect their response costs directly from the responsible party. The City shall compute and bill the responsible party for such response costs and expenses, with payment due within thirty (30) days following the mailing of the bill, unless an appeal is filed as provided in Section 4.08.140 A. Upon failure to pay the response costs and expenses when due, the responsible person shall be liable, in a civil action brought by the City, for such response costs and expenses, and costs of the litigation, including reasonable attorneys' fees.

104.12.1 Liability for correction and abatement. Where the Fire Chief determines that a violation of any provision of this Chapter constitutes an immediate threat to public health or safety, the Fire Chief is authorized to take such corrective action as may be necessary to cause the summary abatement of the violation. The City may recover the costs and expenses associated with the correction and abatement of a violation or hazardous condition, including all costs and expenses incurred by the City and contractors hired by the City to cause the correction and abatement. These correction and abatement costs shall be a debt of the owner, business, corporation, individual or other responsible party owed to the City. The City shall compute and bill the responsible party for such correction and abatement costs and expenses, with payment due within thirty (30) days following the mailing of the bill, unless an appeal is filed as provided in Section 4.08.140 A. Upon failure to pay the correction and abatement costs and expenses when due, the responsible person shall be liable, in a civil action brought by the City, for such correction and abatement costs and expenses, and costs of the litigation, including reasonable attorneys' fees.

Section 104.13 is hereby added to read as follows:

Section 104.13. Fire prevention resource sharing. Other enforcement agencies shall have authority to render necessary assistance to City in plan review, inspection, code interpretation, enforcement and other fire prevention services when authorized and as delegated by the Fire Chief, by written agreement.

Section 105.6.30 is hereby modified by deleting the exception.

Section 105.7 is hereby amended to read as follows:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 to 105.7.17.

Section 105.7.17 is hereby added to read as follows:

105.7.17 Vegetation Management Fire Protection Plan. A construction permit is required to implement a vegetation management fire protection plan for a new structure located in the Wildland-Urban Interface as designated in San Rafael Municipal Code Section 4.12.010. The vegetation management fire protection plan shall comply with Chapter 49 of this code and the Vegetation Management Standards in San Rafael Municipal Code Section 4.12.030.

Section 109.4 is hereby amended to read as follows:

109.4 Violation penalties. Persons who shall violate a provision of this Chapter and the Fire 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 direction of the Fire Chief, or of a permit or certificate used under provisions of this code, shall be guilty of misdemeanors/infractions and are subject to the penalties set forth in Section 4.08.130. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 is hereby amended to read as follows:

111.4 Failure to comply. Any person who shall continue to work after having been served with a stop work order, or any person who shall continue an activity or a use after having been served with a cease and desist order, shall be

guilty of misdemeanors/infractions and are subject to the penalties set forth in Section 4.08.130.

Section 113.2 is hereby amended to read as follows:

113.2 Master fee schedule. The fees for permits and other services shall be as established in the Master Fee Schedule Resolution of the City Council as adopted from time to time. The fee shall be set to cover the cost to review the application, issue a permit, and inspect the intended construction, activities, operations, use, or functions. The fees must be paid to the City prior to engaging in the construction, activities, operations, use or functions.

Exception: The applicant for a given permit shall be exempt from payment when the event is sponsored by the City, or work to be conducted is located on properties owned by the City, or as otherwise determined by the Fire Chief.

Where it is determined during inspections that the construction, activity, or use repeatedly fails to comply with the requirements of the Fire Code, and additional inspections or re-inspections are required to verify compliance, the Fire Chief may require those additional inspections be billed at the fully burdened hourly rate as published by the City's Finance Director.

Section 113.3 is hereby amended as follows:

113.3 Work commencing before permit issuance. Any person who commences any work, activity, operation or use regulated by this code before obtaining the necessary permits may be subject to an additional investigation fee as determined by the Fire Chief; the investigation fee shall be two (2) times the normal permit fee, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution.

Section 113.6 is hereby added to read as follows

113.6 After hours inspection fees. An afterhours inspection is an inspection conducted outside of normal work hours; 8:30 AM – 5:00 PM, Monday – Friday. Where an afterhours inspection is performed before or following normal work hours that inspection may be charged by the hour. Where an inspector is called back to duty to perform an afterhours inspection, that inspection may be charged at four (4) hours minimum, then by the hour for any additional hours required over four (4). The afterhours inspection fee shall be charged at a rate of one and one-half (1½) times the fully burdened hourly rate as published by the City's Finance director.

Section 113.7 is hereby added to read as follows

113.7 Operational permit applications. Application for Operational Permits (i.e: Assembly, Pyrotechnic, Tents, etc.) shall be submitted at least ten (10) business days prior to the scheduled event date. Applications submitted less than ten (10) business days prior to the event date may be charged one and one-half (1½) times the regular permit rate.

Section 202 is hereby amended by adding the definition of "Coverings" as follows:

COVERINGS. As applied to the definition of Substantial Remodel only, coverings shall mean materials including, but not limited, to gypsum board, lath and plaster, paneling (including wood paneling), floor boards, brick and mortar, or other materials attached to rough framing of the building elements. Coverings do not include finishes, such as carpet, tile, paint or wall paper.

Section 202 is hereby amended to read as follows:

FALSE ALARM. False alarm shall mean an alarm signal, willful, knowing or otherwise, initiating a response by the Fire Department where an emergency situation did not or does not exist.

Section 202 is hereby amended by adding the definition of "Fire Prevention Standards" as follows:

FIRE PREVENTION STANDARDS. Fire prevention standards shall mean those supplemental rules and regulations that have been approved by the Fire chief to provide additional guidance and interpretation of this code.

Section 202 is hereby amended by adding the definition of "Fire Road" as follows:

FIRE ROAD. Fire road shall mean any improved or unimproved road, public or private, that provides access for firefighting equipment and personnel to undeveloped areas.

Section 202 is hereby amended by changing the first sentence of the definition of "Fireworks" to read as follows:

FIREWORKS. Fireworks shall mean any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, or detonation, and any "safe and sane" fireworks as defined by section 12529 of the State of California Health and Safety Code, and including 1.4G fireworks and 1.3G fireworks as set forth hereafter.

[Remainder is unchanged]

Section 202 is hereby amended by adding the definition of "Pre-plans" as follows:

PRE-PLANS. Pre-plans shall mean detailed plans of buildings and premises where there may be special challenges for emergency operations. These pre-plans include information on the building's location, occupancy, hazards, fire department connections and hydrants, access, building layout, and other pertinent data that would assist the fire department in case of an emergency.

Section 202 is hereby amended by adding the definition of "Public Storage Facility" as follows:

PUBLIC STORAGE FACILITY. A public storage facility shall mean any business that sells, leases or rents space to the public, whether it is a building, storage container or similar configuration.

Section 202 is hereby amended by adding the definition of "Substantial Remodel" as follows:

SUBSTANTIAL REMODEL. Substantial remodel shall mean the alteration of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

Section 202 is hereby amended by adding the definition of "Temporary" as follows:

TEMPORARY. Temporary shall mean any occupancy, activity, or use for a period of less than one hundred eighty (180) days.

Section 304.1.2 is hereby amended to read as follows:

304.1.2 Vegetation. At the direction of the Fire Chief to reduce the fire hazard, weeds, grass, vines, brush, trees, or other growth that is capable of being ignited and endangering public or private property, a fire apparatus access road, a public thoroughfare, or a railroad, shall be cut and mulched or removed by the owner or occupant of the premises or by the responsible public agency in accordance with 304.1.2.1 and 304.1.2.2.

304.1.2.1 Vegetation clearance. Vegetation located within ten (10) feet of the outlet of a chimney or stove pipe shall be cut and mulched or removed. Vegetation located within one hundred (100) feet of a building shall be cut and mulched or removed. Vegetation located within ten (10) feet of a fire apparatus access road, a public thoroughfare, or a railroad shall be cut and mulched or removed. The minimum clearances specified above may be increased by the Fire Chief where there may be special challenges for emergency operations.

304.1.2.2 Wildland-Urban Interface areas. Vegetation clearance requirements in Wildland-Urban Interface areas shall be in accordance with Chapter 49 of this code and San Rafael Municipal Code Chapter 4.12.

Section 307.4.2 is hereby amended to read as follows:

307.4.2 Recreational Fires. Recreational fires within the jurisdiction limits of the City are subject to Sections 307.4.2.1 through 307.4.2.4.

307.4.2.1 City property. Recreational fires are prohibited on City owned property.

Exception: Where a Fire Permit is issued in accordance with Section 105.6.30.

307.4.2.2 Wildland-Urban interface properties. Recreational fires are prohibited in Wildland-Urban Interface areas as designated in San Rafael Municipal Code Section 4.12.010.

Exception: Where a Fire Permit is issued in accordance with Section 105.6.30.

307.4.2.3 Other properties. For all properties other than those identified in Section 307.4.2.1 and 307.4.2.2 above, recreational fires shall be conducted in compliance with all of the following:

307.4.2.3.1. Recreational fires shall be conducted in accordance with applicable Fire Prevention Standards;

307.4.2.3.2. Recreational fires shall not be conducted within 25 feet of a structure or combustible materials;

307.4.2.3.3. Conditions which could cause a fire to be spread within 25 feet of a structure shall be eliminated prior to ignition;

307.4.2.3.4. Recreational fires shall be conducted under the constant supervision and control of the Owner or tenant of the

property;

307.4.2.3.5. A charged portable fire extinguisher with a minimum capacity of 4-A, or a charged garden hose, shall be available for use at the location of the recreational fire.

307.4.2.3.6. Upon completion of use, the Owner or tenant of the property shall ensure the recreational fire is completely extinguished prior to leaving the recreational fire unattended.

307.4.2.4 Fire Department Response. Where the Fire Department responds to the location of a recreational fire, the Fire Department Officer in charge of the response is authorized to extinguish the fire for non-compliance with Section 307.4.2, any Fire Permit that has been issued, or the applicable Fire Prevention Standards, or where the recreational fire is a fire hazard.

Section 307.4.3 is hereby modified by deleting the exception.

Section 310.8 is hereby amended to add the following concluding sentence:

Smoking is prohibited within all Parks as defined in San Rafael Municipal Code Section 8.10.015 and Open Space areas as defined in San Rafael Municipal Code Section 19.10.020, located within jurisdiction limits.

Section 319 is hereby added as follows:

Section 319 Fireworks

319.1 Fireworks prohibited. Except where a Fire Permit is issued in accordance with Section 105.6.14, Section 105.6.36, or Section 105.6.47 of the Fire Code, the manufacture, storage, sale, possession, handling, or use of any fireworks as defined in Section 202, is prohibited within jurisdiction limits.

319.2 Seizure. The Fire Chief shall seize, remove or cause to be removed, at the expense of the owner or person in possession, all stocks of fireworks offered or exposed for sale, stored, used or held in violation of this code.

Section 408.1.1 is hereby added as follows:

408.1.1 Pre-plans. Pre-plans shall be developed for buildings and premises where there may be special challenges for emergency operations, as determined by the Fire Chief.

Section 503.1.2. is hereby amended by adding the following concluding sentence:

The Fire Chief is authorized to require additional fire apparatus access roads for all newly constructed vehicle parking areas and for all new or altered structures, facilities, uses, or hazards.

Section 503.1.4 is hereby added as follows:

503.1.4 Fire roads. Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the City so as to gain access to improved, unimproved, and undeveloped areas in a manner approved by the Fire Chief. Any vehicle or other obstruction to Fire Department access may be towed away or removed at the owner's expense.

Section 503.2.3 is hereby amended to read as follows:

503.2.3 Surface. Except for fire roads, fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced with asphalt or concrete so as to provide all-weather driving capabilities.

Section 503.2.6.1 is hereby added as follows:

503.2.6.1 Load testing. Bridges, Piers and Wharfs used for fire apparatus access shall be load tested to the original designed capacity when required by the Fire Chief.

Section 503.4 is hereby amended by adding the following:

Any vehicle or other obstruction may be towed away or removed at the owner's expense.

Section 503.4.2 is hereby added as follows:

503.4.2 Prohibition on vehicular parking on private access ways. If, in the judgment of the Fire Chief, it is necessary to prohibit vehicular parking along private access ways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the Fire Chief may issue an Order to the owner, lessee or other person in charge of the premises to paint the curbs red or install signs or other appropriate notices

to the effect that parking is prohibited by Order of the Fire Department. From the effective date of the order, it shall be unlawful for such owner, lessee or other person in charge of the premises to fail to install, maintain in good condition, the form of notice so prescribed. When such areas are marked or signed as provided herein, no person shall park a vehicle adjacent to any such curb or in the private access way contrary to such markings or signs. Any vehicle so parked in the private access way may be towed away at the expense of the owner of the vehicle.

Section 505.1 is hereby amended to read as follows:

505.1 Address numbers. 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. Numbers painted on the curb do not satisfy this requirement. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction or substantial remodels. Number sizes shall be as follows: Minimum of one-half-inch (1/2") stroke by four inches (4") high for residential applications, minimum one-half-inch (1/2") stroke by six inches (6") high for commercial applications. Larger sizes may be required by the Fire Chief based on distance from the street or road fronting the property. All buildings abutting on any public or private street, avenue, drive, road, place or lane within the City shall be given and marked with an official address number. Where access is by means of a private way, a monument, or other sign may be required by the Fire Chief to identify the building. The Chief Building Official shall decide the proper number to be assigned to any building. Where required by the Fire Chief, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be maintained.

505.1.1 Multi-tenant buildings. Numbers or letters shall designate all separate occupancies within new or existing multi-tenant buildings. Size shall be minimum one-quarter-inch (1/4") stroke by two inches (2") high and on a contrasting background for tenant spaces accessed from an interior corridor, and as indicated in Section 505.1 for spaces with exterior access doors. In multi-story or larger buildings, directional address numbers or letters shall be provided at a central location. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' - 6") above the finished floor and shall be either internally or externally illuminated in all new construction or substantial remodels.

505.1.2 Rear addressing. Where required by the Fire Chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the

back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with Section 505.1.

Section 506.1 is hereby amended by adding the following:

506.1 Key entry system. Except for single family dwellings, all buildings which have installed therein an automatic fire alarm system, automatic fire sprinkler system or a security gate, shall have an approved key entry system installed. All facilities that are required to have Hazardous Materials Business Plans shall have an approved key entry system installed. All electronic operated vehicular gates, including gates serving single family dwellings, shall have an approved key switch override system mounted on a stanchion or wall as approved by the Fire Chief.

Section 507.5.1.2 is hereby added as follows:

507.5.1.2 Fire hydrant upgrades. When additions or alterations to structures are made, the nearest existing fire hydrant shall be upgraded to the minimum standard of a Clow model 950, wet barrel type hydrant with one (1) four and one-half inch (4½") outlet and one (1) two and one-half inch (2½") outlet for single family dwellings, or for all other applications or structures to a Clow model 960, wet barrel type hydrant with one (1) four and one-half inch (4½") outlet and two (2) two and one-half inch (2½") outlets.

Exceptions 1: If the cost of upgrading the fire hydrant exceeds two percent (2%) of the cost of the project, based on the Building Permit valuation.

Exception 2: This section does not apply where an automatic fire sprinkler system is installed throughout the building.

Section 903.2 is hereby amended to read as follows:

903.2 Where Required; All Occupancies and Facilities. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed, building or facility.

Exception: Freestanding Group U occupancies not more than one thousand (1,000) square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.

2. Newly created, attached, second dwelling units which meet the definition of a substantial remodel.

3. All other existing buildings, where be required by the Fire Chief in accordance with the following:

i. All buildings where improvements occur during any three (3) year period which meet the definition of a substantial remodel.

ii. All buildings in excess of three thousand (3,000) square feet which have more than ten (10) percent floor area added within any three (3) year period.

iii. A change in the use of a building that results in a higher fire or life safety hazard when the square footage of the area changing use is more than fifty (50) percent of the square footage of the existing building.

iv. Where fire sprinklers are required by the provisions above, they shall be extended throughout the building.

4. All public storage facilities.

5. All tunnels used for the transportation of people or any type of vehicle.

The requirements for fire sprinklers in this code section are not meant to disallow the provisions for area increase, height increase, or fire-resistive-rated substitution if otherwise allowed by the Building Code or Residential Code.

Sections 903.2.1 through 903.2.17 remain the same.

Section 903.2.18 is hereby modified by deleting the exception.

Section 907.8.5.1 is hereby added as follows:

907.8.5.1 False and nuisance fire alarm – public nuisance. A protected premises fire alarm shall constitute a public nuisance if it actuates three (3) or more false or nuisance alarms within any calendar year. This section shall be effective thirty (30) days after fire alarm system installation is operational.

907.8.5.1.1 False alarm response fee. Where a protected premises fire alarm constitutes a public nuisance as specified in Section 907.8.5.1, the owner or lessee shall be responsible for the City's false and nuisance alarm response fees as specified in the Master Fee Schedule Resolution adopted by the City Council.

Section 1013.2 is amended by adding the following sentence to the end of the paragraph before the Exceptions:

Guards are also required at waterfront bulkheads, fixed piers and gangways.

Section 1029.6 is added as follows:

1029.6 Hotel window fall prevention. Operable windows in hotels located within this jurisdiction shall be in accordance with this section.

1029.6.1 New hotels. All new hotels, on all floors, shall have window stops installed to prevent the windows from being opened more than four (4) inches when the window sill height is less than forty two (42) inches above the floor.

1029.6.2 Existing hotels. All existing hotels shall have window openings that comply with the following:

1029.6.2.1 Floors one through three. All existing hotels, on floors one (1) through and including three (3), shall have no operable window openings such that the bottom edge of the opening, on the interior of the room, is less than forty two (42) inches above the floor level.

Exception 1: If the level of the ground or walkway on the exterior of the room is no more than thirty (30) inches below the window sill.

Exception 2: If automatic fire sprinklers are installed throughout the building, window stops may be installed to limit the opening to no more than four (4) inches.

1029.6.2.2 Floors above the third floor. All existing hotels, on floors above the third floor, shall have window stops installed to prevent the windows from being opened more than four (4) inches if window sill heights are less than forty two (42) inches above the floor.

1029.6.3 Clear area adjacent to window opening. There shall be no furniture, fixed or moveable, placed within thirty six (36) inches of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

Section 1030.3.1 is added as follows:

1030.3.1 Group I-2 Hospital Obstructions. In Group I-2 Hospitals, the required clear width for aisles, corridors and ramps that are part of the required means of egress shall comply with Section 1018.2. The facility shall have a plan to maintain the required clear width during emergency situations.

Exception: In areas required for bed movement, equipment shall be permitted in the required width where all the following provisions are met:

1. The equipment is low hazard and wheeled.
2. The equipment does not reduce the effective clear width for the means of egress to less than 5 feet (1525 mm).
3. The equipment is limited to:
 - 3.1 Equipment and carts in use;
 - 3.2 Medical emergency equipment;
 - 3.3 Infection control carts; and
 - 3.4 Patient lift and transportation equipment.
4. Medical emergency equipment and patient lift and transportation equipment, when not in use, is required to be located on one side of the corridor.

5. The equipment is limited in number to a maximum of one per patient sleeping room or patient care room within each smoke compartment.

Section 1103.8.1 is hereby amended by adding the following subsections, following the Exceptions:

A. On or after January 1, 1986, every single-family dwelling and factory-built housing, as defined in Health and Safety Code Section 19971, which is sold shall have operable smoke alarms installed. The smoke alarms shall be approved and listed by the State Fire Marshal and installed in accordance with section 907.2.11.2. Battery operated smoke alarms shall be deemed to satisfy the requirements of this section.

B. On or after January 1, 1993, every apartment building shall have installed a hardwired smoke alarm with battery back-up located within every dwelling unit. This smoke alarm shall be located outside of sleeping rooms and the primary power shall be from the building wiring, with no intervening switches other than the circuit breaker. The smoke alarm shall be approved and listed by the State Fire Marshal.

Section 1104.5.2 is added as follows:

1104.5.2 Change of ownership. Buildings, portions of buildings, or occupancies shall meet the requirements of Section 1104.5 upon a change of ownership.

Section 5704.3.3.11 is added as follows:

5704.3.3.11 Storage of flammable and combustible liquids and other hazardous materials. The storage of flammable or combustible liquids or other hazardous materials in public storage facilities is prohibited. Such facilities shall post legible and durable signs to indicate same in a manner and locations as specified by the Fire Chief. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for normal maintenance of the facility.

Appendix D103.5, Subsection 1 is hereby amended to read as follows:

D103.5, Subsection 1 Gate Opening Width. Except for a single one- or two-family dwelling, the minimum unobstructed gate width shall be twenty (20) feet. For a single one- or two-family dwelling, the minimum unobstructed gate width shall be sixteen (16) feet, except where a narrower width is approved by

the Fire Chief for exceptional circumstances.

4.08.130 Enforcement and penalties.

A. In addition to the enforcement powers and remedies provided in the Fire Code, the Fire Chief shall have the power to enforce the provisions of this code as provided in Chapters 1.40, 1.42, 1.44, and 1.46 [of this code].

B. Violations of the Fire Code as adopted in this code are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

C. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified each day that a violation occurs or continues, after a final notice has been delivered shall constitute a separate offense. The application of both penalties shall not be held to prevent the enforced correction of prohibited conditions.

D. Nothing contained in Subsections A through C of this Section shall be construed or interpreted to prevent the City from recovering all costs associated with a Fire Department response as described in Section 104.12 of the Fire Code.

E. Any violation of any provision of this code shall constitute a public nuisance, and shall entitle the City to collect the costs of abatement and related administrative costs, by a code enforcement assessment lien and special assessment pursuant to Section 1.46.160 of the San Rafael Municipal Code, or by a nuisance abatement lien and special assessment pursuant to Government Code Sections 38773.1 and 38773.5. Prior to recordation of such a lien or processing such a request for special assessment, the City shall give written notice to the record owner of the affected property. In addition, the City shall be entitled to collect such abatement costs and related administrative costs, together with litigation costs and attorneys' fees, in a civil action pursuant in Section 1.42.020 of the San Rafael Municipal Code.

4.08.140 Appeals.

A. Any person receiving a bill for Fire Department response costs and expenses pursuant to Section 104.12 of the Fire Code, may file within thirty (30) days after the date of mailing the bill, an administrative appeal against imposition of the civil penalty or response costs and expense. The appeal shall be in writing and filed with the Fire Chief, and shall include a copy of the bill and statement of the grounds for appeal. The Fire Chief shall conduct an administrative hearing on the appeal, after giving the appellant at least ten (10) days' advance written notice of the time and place of the hearing. Within ten (10) days after the hearing, the Hearing Officer shall give written notice of the decision to the

appellant, which decision shall be final. If the appeal is denied in part or full, all amounts due shall be paid within thirty (30) days after the mailing of the notice of the decision of the Hearing Officer.

B. Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Council within ten (10) days from the date of the decision. The provisions of this section shall not apply to corrective actions for the clearance of vegetative as specified in 304.1 through 304.1.2.2 of the Fire Code, or to matters for which an appeal is provided pursuant to 4.08.140(A) above.

DIVISION 2.

California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions.

Therefore, the San Rafael City Council hereby finds that these changes or modifications to the Fire Code as adopted in Title 4 of the San Rafael Municipal Code are reasonably necessary because of the following local climatic, geological and topographical conditions:

I. Climatic conditions

- a. Most of the annual rainfall in San Rafael occurs during the winter; it receives no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by high off-shore winds, or hot, dry, inland winds.
- b. Most of the annual rainfall in San Rafael occurs during the winter, and some portions of San Rafael are subject to tidal influences, there are times that flooding conditions occur in low-lying areas.

II. Geological conditions

- a. San Rafael lies near several earthquake faults, including the very active San Andreas Fault; there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance.

- b. Many areas of the City, including some highly developed industrial and commercial areas are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.

III. Topographical conditions

- a. Much of San Rafael is located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply.
- b. The major arterial route between San Francisco and Marin and Sonoma county areas, Highway 101, bisects the City of San Rafael; should that highway become impassable, alternative routes via surface streets in San Rafael may cause heavy traffic congestion, limiting emergency access or delaying response.

More specifically, the above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification, as follows:.

Section Number	Climatic, geological and topographical condition
1.11.2.1	la, Ila, IIIa, IIIb
102.5	la, lb, Ila, IIIa, IIIb
103.1	la, Ila, IIIa, IIIb
104.12	la, lb, Ila, IIb, IIIa, IIIb
104.13	la, IIb, Ila, IIb, IIIa, IIIb
105.6.30	la, Ila, IIb, IIIa, IIIb
105.7	la, Ila, IIb, IIIa, IIIb
105.7.17	la, Ila, IIIa, IIIb
109.4	la, lb, Ila, IIb, IIIa, IIIb
111.4	la, lb, Ila, IIb, IIIa, IIIb
113.2	la, Ila, IIIa
113.3	la, Ila, IIIa
113.6	la, Ila, IIIa
113.7	la, Ila, IIIa
202	la, lb, Ila, IIb, IIIa, IIIb
304.1.2	la, Ila, IIIa, IIIb
307.4.2	la, Ila, IIIa, IIIb
307.4.3	la, Ila, IIb, IIIa, IIIb
310.8	la, Ila, IIIa, IIIb
319	la, Ila, IIIa, IIIb
408.1.1	la, lb, Ila, IIb, IIIa, IIIb

503.1.2	la, lb, Ila, IIb, IIIa, IIIb
503.1.4	la, lb, Ila, IIIa
503.2.3	la, lb, Ila, IIb, IIIa, IIIb
503.2.6.1	la, Ila, IIb, IIIa
503.4	la, Ila, IIIa
503.4.2	la, lb, Ila, IIb, IIIa, IIIb
505.1	la, Ila, IIIa, IIIb
506.1	la, Ila, IIb, IIIa
507.5.1.2	la, IIIa, IIIb
903.2	la, Ila, IIIa, IIIb
903.2.18	la, Ila, IIIa
907.8.5.1	la, lb, Ila, IIb, IIIa, IIIb
1013.2	lb, Ila
1029.6	Ila, IIb, IIIb
1030.3.1	Ila, IIb, IIIa, IIIb
1103.8.1	la, Ila, IIIa
1104.5.2	la, Ila, IIIa
5704.3.3.11	la, Ila, IIIb
Appendix D103.5	la, lb, Ila, IIIa, IIIb

DIVISION 3.

All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance codified in this chapter or the Codes hereby adopted are hereby repealed.

DIVISION 4.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 5.

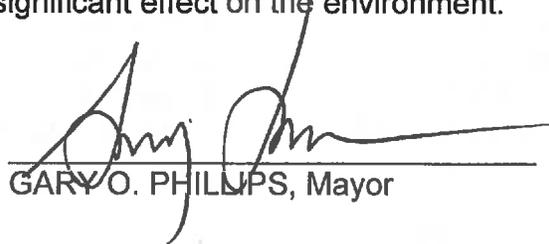
This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published and circulated in the City of San Rafael and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those

Council members voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.

DIVISION 6.

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to 14 CCR Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.


GARY O. PHILLIPS, Mayor

Attest:


ESTHER BEIRNE, City Clerk

The foregoing Ordinance No. 1914 was read and introduced at a Regular meeting of the City Council of the City of San Rafael, held on the 18th day of November, 2013 and ordered passed to print by the following vote, to wit:

AYES:	COUNCILMEMBERS:	Colin, Connolly, Heller, McCullough & Mayor Phillips
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

and it will come up for adoption as an Ordinance of the City of San Rafael at a Regular meeting of the City Council to be held on the 2nd day of December, 2013.


ESTHER BEIRNE, City Clerk

BUILDING STANDARDS COMMISSION

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



February 24, 2014

Thomas Ahrens
Chief Building Official
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94915

RE: Ordinance #1916

Dear Mr. Ahrens:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 6, 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,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF
San Rafael

MAYOR GARY O. PHILLIPS
VICE MAYOR DAMON CONNOLLY
COUNCILMEMBER KATE COLIN
COUNCILMEMBER MARIBETH BUSHEY LANG
COUNCILMEMBER ANDREW CUYUGAN MCCULLOUGH

2013 JAN 15 PM 1:22

2013 JAN 15 PM 1:22

December 31, 2013

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

RE: Filing of City of San Rafael local amendments to Title 24.

Enclosed please find a copy of the adoptive ordinance codifying our local amendments to the 2013 California Code of Regulations Title 24. We have also prepared a matrix of the changes with appropriate findings noted.

Facts and Findings are also included within the ordinance documents in Division 12 on page 41.

Sincerely,

Thomas Ahrens, Chief Building Official

Enclosures

Ordinance No. 1916 – Title 12 Municipal Code of the City of San Rafael

Key to Justifications for Amendments to
Title 24 of the California Code of Regulations

- A** **Administrative Standards:** This is necessary for administrative clarification and does not modify a Building Standard pursuant to California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5. This amendment establishes administrative standards for the effective enforcement of building standards throughout the City of San Rafael.
- B** **Climatic Conditions:** Most of the rainfall in San Rafael occurs during the winter, it receives no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by occasional off-shore hot, dry, Santa Anna winds. Most of the annual rainfall in San Rafael occurs during the winter, and some portions of San Rafael are subject to tidal influences, there are times that flooding conditions occur in low-lying areas.
- C** **Geologic Conditions:** San Rafael lies near several earthquake faults, including the very active San Andreas Fault, there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance. Many areas of the city, including some highly developed industrial and commercial areas are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.
- D** **Topographic Conditions:** Much of San Rafael is located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply. The major arterial route between San Francisco and Marin and Sonoma county areas, Highway 101, bisects the City of San Rafael; should that highway become impassable, alternative routes via surface streets in San Rafael may cause heavy traffic congestion, limiting emergency access.

California Building Code Amendments (San Rafael)

Section	Title	Added to CBC	Deleted from CBC	Amended From CBC	Revised from CBC	Justification (see below for key to justifications)
1.8.5.1	Right of Entry for Enforcement - General			X		A
1.8.8.1	Appeals Board - General	X				A
103	Department of Building Safety		X			A
104.3	Notices nad Orders			X		A
104.6	Right of Entry			X		A
105.2(1)	Work exempt from permit				X	A
105.2(6)	Work exempt from permit				X	A
105.2(7)	Work exempt from permit				X	A
105.5	Expiration			X		A
109.2	Schedule of permit fees			X		A
109.4	Work commencing before permit issuance					A
109.7	After-hours inspections fees	X				A
113.3	Board of Appeals - Qualifications			X		A
202	Definitions - Grade plane			X		A
202	Residential kitchen			X		A
202	Substantial remodel			X		A
501.2	Address numbers			X		A
903.2	Automatic sprinkler systems - Where required					B,C,D
903.2.18	Group U private garages		X			B,C,D
1013.1	Guards			X		B,C
1029.6	Hotel window fall protection	X				C
1029.6.1	New hotels	X				C
1029.6.2	Existing hotels	X				C
1029.6.2.1	Floors one through three	X				C

1029.6.2.2	Floors above the third floor	X				C
1029.6.3	Clear area adjacent to window openings	X				C
1505.1	Fire Classification - General			X		B,D
1505.1.3	Roof coverings within all other areas			X		B,D
1505-1.4	Roofing requirements in a WUI fire area			X		B,D
Table 1505.1	Min roof covering classifications		X			B,D
1807.4	Wooden retaining walls			X		C,D
3109.4.4.1	Definitions - Private swimming pools			X		A
3109.4.4.3	Enclosure required for private swimming pool			X		
3109.4.4.3.1	Existing swimming pools	X				A
3109.7	Hydrostatic pressure test		X			A

Amendments to California Residential Code (San Rafael)

Section	Title	Added to CRC	Deleted from CRC	Amended From CRC	Revised from CRC	Justification (see below for key to justifications)
1.8.5.1	Right of Entry for Enforcement - General			X		A
1.8.8.1	Appeals Board - General	X				A
105.2(1)	Work exempt from permit				X	A
105.2(6)	Work exempt from permit				X	A
105.2(10)	Work exempt from permit				X	A
105.5	Expiration			X		A
108.2	Schedule of permit fees			X		A
108.4	Work commencing before permit issuance			X		A
108.7	After-hours inspections fees	X				A
202	Definitions - Grade plane			X		A
202	Kitchen			X		A
202	Substantial remodel			X		A
313.1	Townhouse automatic fire sprinkler systems			X		B,C,D
313.2	One and two family dwellings automatic fire systems		X			B,C,D
319.1	Address numbers			X		B,C,D
902.1.3	Roof coverings within all other areas			X		B,C,D
902.1.4	Roofing requirements in a WUI fire area			X		B,C,D

CLERK'S CERTIFICATE

I, ESTHER C. BEIRNE, Clerk of the City of San Rafael, and Ex-Officio Clerk of the Council of said City, do hereby certify that the foregoing:

ORDINANCE NO. 1916

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 12 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTERS 12.12, 12.13, 12.14, 12.16, 12.20, 12.21 and 12.23 THERETO; REPEALING CHAPTERS 12.30, 12.44 AND 12.46; ADOPTING THE CALIFORNIA BUILDING CODE, 2013 EDITION, WITH AMENDMENTS; THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION, WITH AMENDMENTS; THE CALIFORNIA MECHANICAL CODE, 2013 EDITION, WITH AMENDMENTS, THE CALIFORNIA PLUMBING CODE, 2013 EDITION, WITH AMENDMENTS, THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION, WITH AMENDMENTS; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, WITH AMENDMENTS; THE CALIFORNIA GREEN BUILDING STANDARDS CODE 2013 EDITION WITH AMENDMENTS; ADOPTING ENFORCEMENT AND PENALTIES PROVISIONS FOR THE FOREGOING CODES; ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE 2013 CALIFORNIA BUILDING CODE AND THE 2013 CALIFORNIA RESIDENTIAL CODE AND ADOPTING A FINDING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINE SECTION 15061(B)(3).

is a true and correct copy of an Ordinance of said City, and was introduced at a REGULAR meeting of the City Council of the City of San Rafael, held on the 18th day of November, 2013; a SUMMARY of Ordinance No. 1916 was published as required by City Charter in the MARIN INDEPENDENT JOURNAL, a newspaper published in the City of San Rafael, and passed and adopted as an Ordinance of said City at a REGULAR meeting of the City Council of said City, held on the 2nd day of December, 2013, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey Lang, Colin, Connolly, & Mayor Phillips
NOES: COUNCILMEMBERS: McCullough
ABSENT: COUNCILMEMBERS: None

WITNESS my hand and the official Seal of the City of San Rafael this 3rd day of December, 2013


ESTHER C. BEIRNE
City Clerk

ORDINANCE NO. 1916

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 12 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTERS 12.12, 12.13, 12.14, 12.16, 12.20, 12.21 and 12.23 THERETO; REPEALING CHAPTERS 12.30, 12.44 AND 12.46; ADOPTING THE CALIFORNIA BUILDING CODE, 2013 EDITION, WITH AMENDMENTS; THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION, WITH AMENDMENTS; THE CALIFORNIA MECHANICAL CODE, 2013 EDITION, WITH AMENDMENTS, THE CALIFORNIA PLUMBING CODE, 2013 EDITION, WITH AMENDMENTS, THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION, WITH AMENDMENTS; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, WITH AMENDMENTS; THE CALIFORNIA GREEN BUILDING STANDARDS CODE 2013 EDITION WITH AMENDMENTS; ADOPTING ENFORCEMENT AND PENALTIES PROVISIONS FOR THE FOREGOING CODES; ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE 2013 CALIFORNIA BUILDING CODE AND THE 2013 CALIFORNIA RESIDENTIAL CODE AND ADOPTING A FINDING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINE SECTION 15061(B)(3).

THE COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. Chapter 12.12 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.12

CALIFORNIA BUILDING CODE

Sections:

12.12.010 Adoption of "2013 California Building Code", (based on the International Building Code, 2012 Edition, with California amendments), with local amendments

12.12.020 Amendments to the California Building Code

12.12.030 Enforcement and Penalties

12.12.010 Adoption of "2013 California Building Code", (based on the International Building Code, 2012 Edition, with California amendments), with amendments

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the welfare of the general public, that certain code known as the 2013 California Building Code, (based on the International Building Code, 2012 Edition), in its entirety, consisting of Volumes 1 and Volume 2, in its entirety, except that only the following appendices are adopted: Appendices C, H, and I, as published by the California Building Standards Commission in the California Code of

Section 105.5 is amended by adding the following concluding sentences:

All building permits are limited to a maximum term of 2 years. When requested in writing of the chief building official, a maximum of one 90 day extension may be granted in excess of two years for good cause. The owner shall be subject to a civil penalty, in an amount equal to 400 dollars per day, for construction activities which occur beyond the term limit up to a maximum penalty of 10% of the project valuation, or \$100,000, whichever is less.

Section 109 is amended to read as follows:

109.1 Unchanged

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be required as set forth in the Master Fee Schedule Resolution as adopted by the San Rafael City Council from time to time.

109.3 Unchanged

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to a fee equal to three times the amount of normal permit fee for that work, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution.

Section 109.7 is added to read as follows:

109.7 After-hours inspection fees. An after-hours inspection is an inspection conducted outside of normal work hours; 8:30 AM – 5:00 PM, Monday – Friday. Where an after-hours inspection is performed before or following normal work hours that inspection may be charged by the hour. Where an inspector is called back to duty to perform an after hours inspection, that inspection may be charged at four (4) hours minimum, then by the hour for any additional hours required over four (4). The afterhours inspection fee shall be charged at a rate of one and one-half (1½) times the fully burdened hourly rate as established in the Master Fee Schedule Resolution.

Section 113.3 is amended by adding thereto the following concluding sentence:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the board of appeals.

Section 202 is amended to add the following definitions:

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 5 feet from the building, between the building and a point 5 feet from the building.

RESIDENTIAL KITCHEN. An area in which the preparation of food for eating occurs (that has provisions for cooking or heating of food, or washing and storing of dishware and utensils, or refrigeration or storing of food).

SUBSTANTIAL REMODEL. Substantial remodel shall mean the alteration of any

The requirements for fire sprinkler systems in this code section are not meant to disallow the provisions for area increase, height increase, or fire-resistive-rated substitution if otherwise allowed by the Building Code or Residential Code.

Sections 903.2.1 through 903.2.17 [Unchanged]

Section **903.2.18** is hereby modified by deleting the exception.

Section 903.2.19 [Unchanged]

Section **1013.1** is amended by adding the following concluding sentence:

Guards are also required at waterfront bulkheads, fixed piers and gangways.

Section **1029.6** is added as follows:

1029.6 Hotel window fall prevention. Operable windows in hotels located within this jurisdiction shall be in accordance with this section.

1029.6.1 New hotels. All new hotels, on all floors, shall have window stops installed to prevent the windows from being opened more than four inches (4") when the window sill height is less than forty-two inches (42") above the floor.

1029.6.2 Existing hotels. All existing hotels shall have window openings that comply with the following:

1029.6.2.1 Floors one through three. All existing hotels, on floors one through and including three, shall have no operable window openings such that the bottom edge of the opening, on the interior of the room, is less than forty-two inches (42") above the floor level.

Exception 1: If the level of the ground or walkway on the exterior of the room is no more than thirty inches (30") below the window sill.

Exception 2: If automatic fire sprinklers are installed throughout the building, window stops may be installed to limit the opening to no more than four inches (4").

1029.6.2.2 Floors above the third floor. All existing hotels, on floors above the third floor, shall have window stops installed to prevent the windows from being opened more than four inches (4") if window sill heights are less than forty-two inches (42") above the floor.

1029.6.3 Clear area adjacent to window opening. There shall be no furniture, fixed or moveable, placed within thirty-six inches (36") of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

Section **1505.1** is amended as follows:

Section 1505.1 is amended to delete the last sentence and Table 1505.1, but the Exception remains.

Sections 1505.1.1 and 1505.1.2 [Unchanged]

Exceptions:

The chief building official is hereby authorized to exempt any private swimming pool from the provisions of 3109.4.4.3:

- (1) If it is located in an area sufficiently remote from other residences as to not constitute a hazard to small children; or
- (2) If it is secured from unauthorized entry by a natural or artificial barrier that provides the same or a greater degree of protection than would an enclosure.

An application for exception shall be filed in writing with the chief building official. The application shall contain a brief statement evidencing that the applicant is entitled to the exception and such other information as the chief building official may prescribe.

Section 3109.7 is added to read as follows:

3109.7 Hydrostatic pressure test. Circulation system piping, other than that integrally included in the manufacturer of the pool equipment, shall be subject to a hydrostatic pressure test of 25 pounds per square inch (psi) (172.4 Kpa). This pressure shall be held for not less than 15 minutes. Tests on piping systems constructed of plastic piping shall not use compressed air for the test.

12.12.030 Enforcement and penalties

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Building Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 2. Chapter 12.13 of the Municipal Code of the City of San Rafael is hereby added to read as follows:

Chapter 12.13

CALIFORNIA RESIDENTIAL CODE

Sections:

12.13.010 Adoption of “2013 California Residential Code”, (based on the International Residential Code, 2012 Edition, with California amendments), with local amendments.

12.13.020 Amendments to the California Residential Code

R105.2 Building: (10) is revised to read as follows:

10. Decks not exceeding 200 square feet in area that are not more than 30 inches above grade at any point, are not attached to a dwelling and are not part of any path of egress from the dwelling.

Section **R105.5** is amended by adding the following concluding sentences:

All building permits are limited to a maximum term of 2 years. When requested in writing of the chief building official, a maximum of one 90 day extension may be granted in excess of two years for good cause. The owner shall be subject to a civil penalty, in an amount equal to 100 dollars per day, for construction activities which occur beyond the term limit up to a maximum penalty of 10% of the project valuation or \$20,000, whichever is less.

Sections **R108.2**, **R108.6** are amended to read as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be required as set forth in the Master Fee Schedule Resolution as adopted by the San Rafael City Council from time to time.

R108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to a fee equal to three times the amount of normal permit fee for that work, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution.

Section **R108.7** is added to read as follows:

R108.7 After-hours inspection fees. An after-hours inspection is an inspection conducted outside of normal work hours; 8:30 AM – 5:00 PM, Monday – Friday. Where an after-hours inspection is performed before or following normal work hours that inspection may be charged by the hour. Where an inspector is called back to duty to perform an after hours inspection, that inspection may be charged at four (4) hours minimum, then by the hour for any additional hours required over four (4). The after hours inspection fee shall be charged at a rate of one and one-half (1½) times the fully burdened hourly rate as established in the Master Fee Schedule Resolution.

Section **R112.3** is amended by adding thereto the following concluding sentence:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the board of appeals.

Section **R202** is amended as follows:

The definition of "Grade Plane" is amended to read as follows:

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the

number. The Chief Building Official shall decide the proper number to be assigned to any structure. All requests for new addresses or change of address shall be reviewed and approved by the Chief Building Official. Address numbers shall be installed as described in City of San Rafael Standard "Premises Identification".

Section **R902.1.3** is amended to read as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure, where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least class A.

Exception:

Any roof covering material that is approved by the Californial State Fire Marshal and listed on their approved list of building materials for use in the WUI areas.

Section **R902.1.4** is amended to read as follows:

R902.1.4 Roofing requirements in a Wildland-Urban Interface Fire Area. Roofing requirements for structures located in a Wildland-urban Interface (WUI) Fire Area shall be a minimum class A roof covering and shall also comply with California Building Code Section 705A.

Exception:

Any roof covering material that is approved by the Californial State Fire Marshal and listed on their approved list of building materials for use in the WUI areas.

12.13.010 Enforcement and penalties

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Residential Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the local appeals board or housing appeals board.

Section **112.1** is amended to read as follows:

112.1 Application. To obtain a permit, the applicant shall apply to the Authority having Jurisdiction for that purpose. Every such application shall:

(The remainder of this section is unchanged)

Section **114.1** is amended to read as follows:

11541 General. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Master Fee Schedule Resolution of the City Council as amended from time to time.

Section **114.5.1** is amended to read as follows:

114.5.1 Fees. Any person who commences any work on a mechanical system before obtaining the necessary permits may be subject to a fee equal to three times the amount of normal permit fee for that work, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution.

Section **114.2** is amended to read as follows:

114.2 Permit Fees. Any person desiring a permit required by this code shall, at the time of issuance therefor, pay a fee, which fee shall be as set forth in the Master Fee Schedule Resolution of the City Council as amended from time to time.

Section **114.3** is amended as follows:

The first paragraph is amended to add the phrase "as set in the Master Fee Schedule Resolution" to the end of the second sentence.

The third paragraph is amended to change the final phrase "in Table 114.1" to "as set in the Master Fee Schedule Resolution".

Section **114.6.1** is amended to read as follows:

114.6.1 Authorization. The Authority Having Jurisdiction may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Section **115.6** is amended to replace the third paragraph with the following:

To obtain reinspection, the applicant shall first pay the reinspection fee in accordance with the Master Fee Schedule Resolution of the City Council as amended from time to time, and then schedule the inspection for the next normally available time.

Table 114-1 is deleted.

Section **203.0** is amended to read as follows:

DIVISION 4. Chapter 12.16 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.16

CALIFORNIA PLUMBING CODE

Sections:

- 12.16.010 Adoption of “2013 California Plumbing Code” with amendments**
- 12.16.020 Amendments to the California Plumbing Code**
- 12.16.030 Enforcement and Penalties**

12.16.010 Adoption of “2013 California Plumbing Code” with amendments

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of health, safety, and the general welfare of the general public, that certain code known as the 2013 California Plumbing Code, in its entirety except that only the following appendices are adopted: Appendices A, C, D and I, as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 5, hereinafter referred to as the “California Plumbing Code”, save and except such portions as are hereinafter modified or amended by Section 12.16.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.16.020 Amendments to the California Plumbing Code

The 2013 California Plumbing Code is amended or modified as follows:

Section 1.8.5, “Right of Entry for Enforcement” is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged)

Section 1.8.8.1 is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the local appeals board or housing appeals board.

DIVISION 5. Chapter 12.20 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.20

CALIFORNIA ELECTRICAL CODE

Sections:

12.20.010 Adoption of “2013 California Electrical Code” with amendments

12.20.020 Amendments to the California Electrical Code

12.20.030 Enforcement and Penalties

12.20.010 Adoption of the “2013 California Electrical Code” with amendments

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the general welfare of the general public, that certain code known as the “2013 California Electrical Code”, in its entirety, except that only the following Annex is adopted: Annex H, as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 3, hereinafter referred to as the “California Electrical Code”, save and except such portions as are hereinafter-modified or amended by Section 12.16.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.20.020 Amendments to the California Electrical Code

The 2013 California Electrical Code is amended or modified as follows:

Section 89.108.5.1 is amended to read as follows:

89.108.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged)

Section 89.108.8.1 is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the local appeals board or housing appeals board.

80.25 Connection to Electricity Supply. Connections to the electrical supply shall conform to (A) through (D).

Annex H, Section 80.25(B), **Special Consideration.** is amended to change the first sentence to read:

By special permission of the Authority Having Jurisdiction, temporary power shall be permitted to be supplied to the premises for specific needs of the construction project.

Annex H, Section **80.25(C)** is deleted.

Annex H, Sections 80.25(D) and (E) are renumbered to be (C) and (D) respectively.

12.20.030 Enforcement and penalties

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Electrical Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

jurisdiction. Where the term "International Mechanical Code" appears, it shall mean the California Mechanical Code as adopted by this jurisdiction. Where the term "International Plumbing Code" appears, it shall mean the California Plumbing Code as adopted by this jurisdiction. Where the term "International Zoning Code" appears, it shall mean the San Rafael Municipal Code, Chapter 14.

Section 103 is deleted.

Section 104.3 is amended as follows:

Add the words "including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California." to the end of the section.

Section 107 is deleted.

Section 108.3 is amended as follows:

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1.08.060 of the San Rafael Municipal Code. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 1.08.060 San Rafael Municipal Code.

Sections 109.2, 109.3 and 109.4 are amended to read as follows;

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official may order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official may temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official may employ the necessary labor and materials to perform the required work as expeditiously as possible.

Sections 109.5 and 109.6 are deleted.

Section 110.1 is amended to change "two years" to "one year" in the first sentence.

Sections 110.2 and 110.3 are amended to read as follows:

Section **308.2.2** is amended to add these words to the end of the sentence:

"or securing the doors in an approved manner."

Section **308.3.1** is amended to read as follows:

Add the words: "Every person maintaining or using any solid waste can or receptacle shall keep the same clean and sanitary."

Section **308.3.1.1** is added to read as follows:

308.3.1.1. Within all residential districts in the city, no person shall use, locate or maintain (store) any solid waste can, garbage container or other waste receptacle within the public right-of-way other than on the day of removal service. Such waste receptacles shall be stored out of public view on non-service dates, whenever practical, or stored nearest the main structure.

Section **602.3** is amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat in order to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Section **602.4** is amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat in order to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

[Exceptions remain unchanged.]

12.21.030 Enforcement and penalties

A. In addition to the enforcement powers and/or remedies provided in this chapter, both the building official and code enforcement manager shall the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the International Property Maintenance Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code

DIVISION 8. Consistent with the amendment of California Building Code section 3109 above, Chapter 12.30 of the Municipal Code of the City of San Rafael is hereby repealed.

DIVISION 9. Consistent with the adoption of Chapter 12.23 (California Green Building Standards Code), without amendments, Chapters 12.44 (Green Building Requirements) and 12.46 (Construction and Demolition Materials Recovery) of the Municipal Code of the City of San Rafael are hereby repealed.

DIVISION 10. California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions. Therefore, the San Rafael City Council hereby finds that these changes or modifications to the Building Code as adopted in Chapter 12.12 of the San Rafael Municipal Code and the Residential Code as adopted in Chapter 12.13, are reasonably necessary because of the following local climatic, geological and topographical conditions:

I. Climatic conditions:

- a) Most of the annual rainfall in San Rafael occurs during the winter, it receives no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-Anna winds.
- b) Most of the annual rainfall in San Rafael occurs during the winter, and some portions of San Rafael are subject to tidal influences, there are times that flooding conditions occur in low-lying areas

II. Geologic conditions:

- a) San Rafael lies near several earthquake faults, including the very active San Andreas Fault, there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance.
- b) Many areas of the city, including some highly developed industrial and commercial areas, are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.

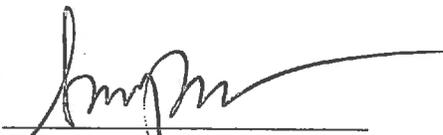
III. Topographic conditions:

- a) Much of San Rafael is located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply.

DIVISION 13. This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published and circulated in the City of San Rafael and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Council members voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

DIVISION 14.

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to 14 CCR Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.


GARY O. PHILLIPS, Mayor

Attest:


ESTHER BEIRNE, City Clerk

The foregoing Ordinance No. 1916 was read and introduced at a Regular meeting of the City Council of the City of San Rafael, held on the 18TH day of November, 2013 and ordered passed to print by the following vote, to wit:

AYES:	COUNCILMEMBERS:	Colin, Connolly, Heller & Mayor Phillips
NOES:	COUNCILMEMBERS:	McCullough
ABSENT:	COUNCILMEMBERS:	None

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular meeting of the council to be held on the 2nd day of December, 2013.


ESTHER BEIRNE, City Clerk