

**BUILDING STANDARDS COMMISSION**

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



March 17, 2011

Ms. Lori Kapwell, Building and Public Works Director  
Resource Management Agency, Building Services  
County of Monterey  
168 West Alisal Street, Second Floor  
Salinas, California 93901

Dear Ms. Lori Kapwell:

This letter is to acknowledge receipt on December 30, 2010 of the County of Monterey submittal pertaining to Ordinance No. 5170 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

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

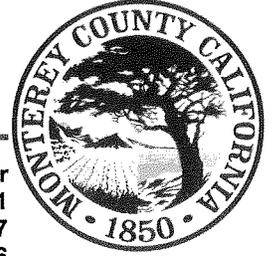
Sincerely,

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

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings

# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



## BUILDING SERVICES

Timothy P. McCormick P.E. & C.B.O.  
Director of Building Services

168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5027  
Fax: (831) 757-9516  
[www.co.monterey.ca.us/rma](http://www.co.monterey.ca.us/rma)

December 29, 2010

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

Attn: Local Amendment filing for the County of Monterey

Attached please find the amendments to the 2010 California Building Standards Code for the County of Monterey.

Included are Ordinance #5170 and Attachments A, B, C, D, & E. The attachments expressly mark and identify each change to existing building standards and indicate and express the findings that each change is reasonably necessary due to local climatic, geological, or topographical conditions.

These are sent to be filed with your office as required.

Respectfully,

Lori Kapwell  
Administrative Secretary  
Building Services  
831.759.6618

### Permit Center Locations

Salinas Office: 168 W. Alisal St., 2<sup>nd</sup> Floor, Salinas, CA 93901; Fax: (831)757-9516; Phone: (831) 755-5027  
Coastal Office: 2620 First Ave., Marina, CA 93933; Fax: (831) 384-3261; Phone: (831) 883-7500  
King City Office: 52-North Second St., King City, CA 93930; Fax: (831) 385-8387; Phone: (831) 385-8315

2010 DEC 30 A 10:11  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

ORDINANCE NO. 5170

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SECTIONS 1.22.060 AND 1.22.130 OF THE MONTEREY COUNTY CODE, REPEALING SECTIONS 16.08.450, 16.08.460, 16.08.470, 16.08.480, 16.08.490, 16.08.500, 16.08.510, 16.08.520, 16.12.180 AND 16.12.210, REPEALNG CHAPTERS 18.04, 18.06, 18.08, 18.12, 18.14, 18.16, 18.20, 18.24, 18.26, 18.28, 18.32, 18.36, 18.38, 18.51, 18.52, AND 18.54 AND ADDING CHAPTERS 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13, 18.14, 18.15, 18.16 AND 18.17 RELATING TO ADOPTION OF THE 2010 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE AND LOCAL AMENDMENTS WITH RELATED ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

**County Counsel Summary**

*This Ordinance adopts the new building standards mandated by the State of California that are to become effective as of January 1, 2011, and adopts amendments to these standards based on local conditions for topography, climate and geology. The Ordinance repeals existing Monterey County Code provisions that refer to the former building standards and their amendments, and deletes temporary provisions for water impact fees that have expired by established date in the El Toro Water Basin and North Monterey County Area. The Ordinance also adds a Property Maintenance Code.*

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

A. The 2010 California Building Standards Code contains building standards that are intended to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation and safety to life and property from fire, earthquakes, flood and other manmade and natural hazards and to provide safety to firefighters and emergency responders during emergency operations.

B. The 2010 California Building Standards Code includes the 2010 California Building Code, 2010 California Residential Code, 2010 California Electrical Code, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Energy Code, 2010 California Historical Building Code, 2010 California Fire Code, 2010 California Existing Building Code, 2010 California Green Building Standards Code and the 2010 California Reference Standards Code.

C. State law requires that the 2010 California Building Standards Codes becomes effective throughout the state within 180 days after its publication, which is not later than January 1, 2011.

D. Health and Safety Code Sections 17958.7 and 18941.5 provide that the governing body of the local government may make changes or modifications to the California Building Standards Code based upon express findings that such changes or modifications are reasonably necessary because of local climatic, geological or topographical conditions provided

that such changes or modifications are more restrictive building standards than those contained in the California Building Standards Code.

E. The Board of Supervisors desires to adopt the 2010 California Building Standards Code with changes or modifications based upon express findings that such changes or modifications are reasonably necessary because of local climatic, geological or topographical conditions, and that such changes or modifications are more restrictive building standards than those contained in the California Building Standards Code.

F. The express finding necessary to support such changes and modifications, marked and identified as to which each finding refers, are attached hereto as Exhibits A through E.

G. Because state law requires that the 2010 Building Standards Code becomes effective not later than January 1, 2011, and the Board of Supervisors shall not regularly meet again until after January 1, 2011, this ordinance shall be adopted following its introduction and become effective immediately pursuant to Government Code sections 25123 (b) and 25131.

H. Because the adoption of the 2010 Building Standards Code together with local changes or modifications is for the immediate preservation of the public health and safety, this ordinance shall be adopted following its introduction and become effective immediately pursuant to Government Code sections 25123 (d) and 25131.

## SECTION 2. LOCAL AMENDMENTS.

The following express findings regarding amendments to the 2010 California Building Standards Code are reasonably necessary due to local climatic, geological or topographic conditions pursuant to Sections 17958.7 and 18941.5 of the Health and Safety Code:

A. Local amendments to the 2010 California Fire Code.

The local amendments attached as Exhibit A and incorporated herein by reference, contain the express findings regarding amendments to the 2010 California Fire Code that are reasonably necessary due to local climatic, geological or topographic conditions, and show the amendments expressly marked and identified as to which each finding refers.

B. Local amendments to the 2010 California Building Code.

The local amendments attached as Exhibit B and incorporated herein by reference, contain the express findings regarding amendments to the 2010 California Building Code that are reasonably necessary due to local climatic, geological or topographic conditions, and show the amendments expressly marked and identified as to which each finding refers.

C. Local amendments to the 2010 California Residential Code.

The local amendments attached as Exhibit C and incorporated herein by reference, contain the express findings regarding amendments to the 2010 California Residential Code that are reasonably necessary due to local climatic, geological or topographic conditions, and show the amendments expressly marked and identified as to which each finding refers.

D. Local amendments to the 2010 California Electrical Code.

The local amendments attached as Exhibit D and incorporated herein by reference, contain the express findings regarding amendments to the 2010 California Electrical Code that are reasonably necessary due to local climatic, geological or topographic conditions, and show the amendments expressly marked and identified as to which each finding refers.

E. Local amendments to the 2010 California Plumbing Code.

The local amendments attached as Exhibit E and incorporated herein by reference, contain the express findings regarding amendments to the 2010 California Plumbing Code that are reasonably necessary due to local climatic, geological or topographic conditions, and show the amendments expressly marked and identified as to which each finding refers.

SECTION 3. Sub-section A of Section 1.22.060 of Chapter 1.22 of the Monterey County Code is amended to add the following:

8. Hear appeals from the property owner on whether violations of this code exist on such property where the responsible enforcing officer issued a notice of refusal to issue permits, licenses or entitlements or where a notice of violation was recorded with the County Recorder.

9. Hear appeals from the notice, orders and decisions of the Building Official related to the enforcement of Chapters 16.08, 16.12 and 18.14 of the Monterey County Code.

10. Hear appeals from the notice, orders and decisions of the Enforcement Official related to the enforcement of Chapter 18.15 of the Monterey County Code.

11. Hear summary abatement proceedings pursuant to Chapter 18.02.

SECTION 2. Sub-section B of Section 1.22.130 of Chapter 1.22 of the Monterey County Code is amended to read:

B. Appeals related to the payment of tenant relocation assistance pursuant to Article 2.5 of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, the recording of a notice of violation with the County Recorder, or the issuance of a notice of refusal to issue permits, licenses or entitlements shall be subject to Section 1094.5 of the Code of Civil Procedure.

SECTION 3. Sections 16.08.450, 16.08.460, 16.08.470, 16.08.480, 16.08.490, 16.08.500, 16.08.510, and 16.08.520 of Chapter 16.08 of the Monterey County Code are hereby repealed.

SECTION 4. Sections 16.12.180 and 16.12.210 of Chapter 16.12 of the Monterey County Code are hereby repealed.

SECTION 5. Chapters 18.04, 18.06, 18.08, 18.12, 18.14, 18.16, 18.20, 18.24, 18.26, 18.28, 18.32, 18.36, 18.38, 18.51 and 18.54 of the Monterey County Code are hereby repealed.

SECTION 6. Chapter 18.01 is added to the Monterey County Code to read:

## **CHAPTER 18.01**

### **GENERAL PROVISIONS**

#### **Sections:**

- 18.01.010 Compliance with provisions.**
- 18.01.020 Continuation of public nuisance.**
- 18.01.030 Right of entry.**
- 18.01.040 Refusal to issue permits, licenses or other entitlements.**
- 18.01.050 Restrictions within Monterey Peninsula Water Management District area.**
- 18.01.060 Agrarian easements.**

#### **18.01.010 Compliance with provisions.**

It is prohibited to make any use of or to allow any use of building or structures which are not allowed under this Title. It shall be unlawful for any person, firm or corporation whether as principal agent, employee, landlord, tenant or otherwise to permit, allow or cause the set up, alteration, erection, construction, enlargement, conversion, or maintenance of any building or structure contrary to the provisions of this Title and/or to permit, allow or cause

establishment, operation or maintenance of any use of the land, building or premise which is contrary to the provisions of this Title. Any person violating any provision of this Title, including the violation of any condition of a permit or variance, is guilty of a misdemeanor, unless in the discretion of the prosecution, it is charged as an infraction.

**18.01.020 Continuation of public nuisance.**

It is prohibited for any person, firm or corporation to maintain, permit, or allow a public nuisance to exist upon his or her property, or premise, or for any person occupying or leasing the property or premises of another to maintain, permit or allow a public nuisance to exist thereon, after reasonable notice in writing from an enforcement officer, to remove, discontinue or abate the nuisance has been served on the person, firm or corporation as provided by section 16.30.050 of the Monterey County Code.

**18.01.030 Right of entry.**

Whenever there is cause to suspect a violation of any provision of this Title; or whenever necessary to investigate either an application for granting, extension or modification of any application described in this Title, or an action to revoke or modify a discretionary permit, or whenever necessary to investigate a proposed amendment of this Title, the enforcing officers or their duly authorized representatives, may enter any site for the purpose of investigation, provided they shall do so in a reasonable manner. No owner or occupant or agent thereof shall, after reasonable notice and opportunity to comply, refuse to permit such entry. In the course of such inspection, no enclosed building or structure shall be entered without the express permission of the owner or occupant. When necessary and with the prior approval of the District Attorney or County Counsel, the responsible enforcing officer may apply to the Court for an inspection warrant.

**18.01.040 Refusal to issue permits, licenses or other entitlements.**

A. Notice of violation from responsible enforcing officer. Upon notification that a violation exists by the responsible enforcing officer, no department, commission, or public employee of the County of Monterey that is vested with the duty or authority to issue or approve permits, licenses or other entitlements shall issue or approve such permits, licenses or other entitlements where there is an outstanding violation of this Title involving the property upon which there is a pending application for such permit, license or other entitlement except those necessary to abate the violation of this Title, if such are obtainable.

B. Extent of authority to refuse. The authority to refuse to issue permits, licenses or other entitlement shall apply whether the applicant for the permit was the owner of record at the time of such violation or whether the applicant is either the current owner of record or a vendor of the current owner of record pursuant to a contract of sale of the real property, with or without actual or constructive knowledge of the violation at the time of his or her interest in such real property.

C. Written notice to applicant of refusal. Written notice of the refusal to issue shall be mailed to the applicant for the permit, license or entitlement and to the property owner. Such written notice shall include information regarding the specific violation and the action necessary to abate the violation.

D. Right of appeal. If the owner, occupant or his or her authorized agent disagrees with the determination that a violation of this code exists on the property, he or she may apply for a rescission of the notice of refusal by requesting a hearing before the County Hearing Officer pursuant to the provisions of Chapter 1.22 of the Monterey County Code.

E. Rescission of notice of refusal. The responsible enforcing officer shall rescind the notice of refusal when the violation no longer exists and all required work to abate the violation has been completed and approved as determined by the Building Official or County Hearing Officer on appeal.

**18.01.050 Restrictions within Monterey Peninsula Water Management District area.**

No building shall be constructed nor shall a permit for the construction of a building be issued on any parcel or lot within the territorial boundaries of the Monterey Peninsula Water Management District, except upon evidence of adequate potable water service, or a current water connection permit from the Monterey Peninsula Water Management District.

**18.01.060 Agrarian easements.**

A. Easement required. Prior to the issuance of any building permit pursuant to Title 18 of this Code, the property owner of property in zoning districts specified in Subsection C of this Section shall execute and record an agrarian easement in a form approved by County Counsel which will preserve and protect agricultural activities as described in Chapter 16.40 of this Code. For the purpose of this Section, an "agrarian easement" is an easement that will allow dust, noise, and odors emanating from lawful agricultural activities on adjoining or proximate real property to burden the property subject to the easement. The requirements of this Section may be waived, or the easement may be released or reconveyed, when the Agricultural Commissioner finds that such requirement is not necessary for the preservation or protection of agricultural activities and such finding is concurred with by the person or decision maker which makes or made the final decision on the entitlement for which the easement may be or was imposed as a condition of approval. This Section shall not apply to legal lots of record which conform to the minimum parcel size requirements of Title 21 of this Code on the effective date of this Chapter.

B. Annexations. The County Administrative Officer shall request the Local Agency Formation Commission to require, as a condition of approval of any annexation of real property into an incorporated city which has not adopted or which does not enforce a similar requirement for agrarian easements, that such annexed territory be subject to an agrarian easement as described in Subsection A of this Section, enforceable by the County of Monterey as well as any property owner who may otherwise be benefited by such easement.

C. Applicability. The provisions of this Section are applicable throughout the unincorporated areas of the County of Monterey which are specifically classed and zoned as follows:

1. Non-Coastal: Farmlands Zoning District (F), Permanent Grazing Zoning District (PG), Rural Grazing (RG) and Resource Conservation Zoning District (RC);
2. Coastal: Agricultural Preservation (CAP-CZ), Agricultural Conservation (AC-CZ) and Resource Conservation (RC-CZ).

SECTION 7. Chapter 18.02 is added to the Monterey County Code to read:

**CHAPTER 18.02**

**BUILDING STANDARDS ADMINISTRATIVE CODE**

**Sections:**

- 18.02.010 General.**
- 18.02.020 Applicability.**
- 18.02.030 Department of Building Services.**
- 18.02.040 Duties and powers of Building Official.**
- 18.02.050 Permits.**
- 18.02.060 Floor and roof design loads.**
- 18.02.070 Submittal documents.**
- 18.02.080 Temporary structures and uses.**
- 18.02.090 Fees.**
- 18.02.100 Inspections.**
- 18.02.110 Certificate of occupancy.**
- 18.02.120 Building Standards Appeals Board.**
- 18.02.130 Violations.**
- 18.02.140 Notice of violation recordation.**

**18.02.010 General.**

A. Title. These regulations shall be known as the Building Standards Administrative Code for the County of Monterey.

B. Scope. The provisions of this Chapter shall apply to the administration of building standards of the California Building Standards Code as adopted and amended by the County of Monterey when the Building Official is designated under local or state law as the authority having jurisdiction for the enforcement of these standards.

C. Purpose. The purpose of this Chapter is to establish uniform and coordinated administrative regulations among the various referenced codes and standards that are part of Title 18, and other specified Titles in the Monterey County Code. In the event of any differences between these administrative regulations and those found in the Referenced Codes or Standards (as defined below), the text of these regulations shall govern. In the absence of regulations in this Chapter, the administrative regulations of the Referenced Codes or Standards shall govern.

D. Referenced Codes and Standards. Except as otherwise specified, “Chapter” shall include the Referenced Codes and Standards as set forth below, and enforcement of the provisions of this Chapter shall also include enforcement of Referenced Codes and Standards. “Referenced Codes and Standards” as used herein includes but is not limited to the following:

1. California Building Code.
2. California Residential Code.
3. California Electrical Code.
4. California Mechanical Code.
5. California Plumbing Code.
6. California Energy Code,
7. California Historical Building Code.

8. California Fire Code.
9. California Existing Building Code.
10. California Green Building Standards Code.
11. California Referenced Standards Code.
12. Codes and standards referenced within each of the above referenced codes.
13. Any local amendments to the codes set forth in subsections 1-13 of this section 18.02.010 (D), above, as adopted and approved by the Board of Supervisors and incorporated into the Monterey County Code.
14. Chapters 16.08, 16.12, 18.14, 18.15, 18.16 and 18.17 of the Monterey County Code.

**18.02.020 Applicability.**

A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of any Referenced Code or Standard specify different materials, methods of construction or other requirements, the most restrictive shall govern.

B. Other laws. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

C. Application of references. References to title, chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of the Monterey County Code.

D. Partial invalidity. In the event that any part or provision of this chapter is held to be invalid or unenforceable, such part or provisions shall be severed and the remaining parts and provisions shall remain in effect.

E. Existing structures. The legal occupancy of any structure existing on the date of adoption of this chapter shall be permitted to continue without change, except as is specifically covered in this chapter or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

F. Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this chapter. Subject to the approval of the Building Official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this chapter for those groups, provided the new or proposed use is less hazardous based on life and fire risk than the existing use.

G. Alterations, repairs and additions. All new work performed in alterations, repairs and additions to existing structures shall comply with the current provisions of this chapter. When alterations, repairs or additions result in the removal of fifty percent or more of the external walls of a building or result in the removal of fifty percent or more of the existing internal structural framework, the entire building shall be made to conform to the current provisions of this chapter.

**18.02.030 Department of Building Services.**

A. Enforcement agency. The Department of Building Services is hereby designated as the enforcement agency for the administration of this Chapter and the official in charge thereof shall be known as the Building Official.

B. Appointment. The Building Official shall be appointed by the County Administrative Officer or his or her designee.

C. Deputies. In accordance with the prescribed procedures of Monterey County and with the concurrence of the County Administrative Officer or his or her designee, the Building Official shall have the authority to appoint deputies including but not limited to technical officers, inspectors, plan examiners and other employees as necessary. Such employees shall have powers as delegated by the Building Official.

**18.02.040 Duties and powers of Building Official.**

A. General. The Building Official is hereby authorized and directed to enforce the provisions of this Chapter. The Building Official shall have the authority to render interpretations of this Chapter, including the Referenced Codes and Standards, and to adopt policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Chapter. Such policies and procedures shall not have the effect of waiving or reducing requirements specifically provided for in this Chapter.

B. Applications and permits. The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Chapter.

C. Inspections. The Building Official shall make or cause to be made all of the required inspections for applications and permits. The Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise in inspections or review of construction documents. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter.

D. Licenses. The Building Official is authorized to review and approve license applications for qualified trade persons for annual permits, special inspectors and approved fabricators.

E. Department records. The Building Official shall maintain sufficient records to show the approved use, occupancy and type of construction for all structures requiring permits and the code standards applicable to any existing building. Such records shall include any special administrative approvals including alternate materials, methods of design and construction, modifications and tests. The Building Official shall also maintain an official copy of the plans of every building issued a building permit during the life of the building except for:

1. Single family dwelling not more than two stories and basement in height and their accessory structures.

2. Any one-story building where the span between bearing walls does not exceed twenty-five feet except for steel frame or concrete buildings.

3. Any building containing a bank, other financial institution, or public utility.

These exceptions shall not apply to a community apartment project, condominium project, planned development, or a stock cooperative as defined in Section 1351 of the Civil Code.

F. Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this Chapter, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that (1) special individual reasons makes the strict application of this Chapter impractical; (2) the modification is in compliance with the intent and purpose of

this Chapter; and (3) that such modifications do not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department. The Building Official shall not grant modifications to any provision applicable to flood prone areas or accessibility requirements without first obtaining approval by the Building Standards Board of Appeal as required by a Referenced Code or Standard.

G. Alternative materials, design and methods of construction and equipment. The provisions of this Chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Chapter, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Chapter, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Chapter in quality, strength, effectiveness, fire resistance, durability and safety. For green building standards, the alternate shall be at least the equivalent of that prescribed in planning and design, energy, water, material conservation and resource efficiency, environmental air quality, performance, safety and the protection of life and health. For accessibility standards, the alternate shall provide equivalent facilitation and protection. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Chapter, shall consist of valid research reports from approved sources.

H. Tests. Whenever there is insufficient evidence of compliance with the provisions of this Chapter, or evidence that a material or method does not conform to the requirements of this Chapter, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the County of Monterey. Test methods shall be as specified in this Chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

I. Stop work order. Whenever the Building Official finds any work regulated by this Chapter being performed in a manner contrary to the provisions of this Chapter, or in a dangerous or unsafe manner, the Building Official is authorized to issue a stop work order. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

J. Suspension and revocation of permit and Certificate of Occupancy. The Building Official may, in writing, suspend or revoke a permit or Certificate of Occupancy issued under the provisions of this Chapter whenever the permit or Certificate of Occupancy has been issued in error, on the basis of incorrect information supplied, without the payment of required fees, fines or penalties, in violation of any Federal, State, or local ordinances or regulations, or whenever any work is being done contrary to the provisions of this Chapter. "Local ordinances and regulations" include but are not limited to:

1. Any provision of the approved plans, Referenced Codes or Standards, or any other provision of the Monterey County Code, which is applicable to the work.

2. Any conditions of approval required by any department or agency of Monterey County, or other public agencies within Monterey County, including but not limited to other fire protection districts, water districts or similar agencies, that are applicable to the work,.

3. Preservation standards for archeological, biological, environmental or historic or other similarly protected resources.

4. Safety and noise standards for onsite use or occupancy, adjacent properties or the public way, as determined by the Building Official.

5. Any administrative citations and compliance orders including the payment of any fines or penalties.

6. Any air or water quality standards, including but not limited to asbestos, lead paint or other hazardous material contamination.

7. Any required license, security or insurance related to the work.

K. Refusal to issue permits, licenses or approvals. Except for maintenance or emergency repairs, the Building Official may withhold the issuance of any permit, license or other approval under this chapter when the Building Official determines that reasonable cause exists that a violation of the Monterey County Code exists on property for which there is a pending application for such permit, license or approval. The Building Official may withhold the issuance of a permit, license or approval until the applicant provides sufficient evidence to establish that the proposed work or action to be taken will comply with all applicable federal, state or local laws.

L. Investigations, notices and orders. The Building Official shall investigate violations of, and issue all necessary notices or orders to ensure compliance with, this Chapter, and may record any such notice or order with the County Recorder.

M. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this Chapter, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Chapter or which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Chapter, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

N. Required corrective actions. When the Building Official determines that a building, structure, equipment or premises are unsafe, unfit for human occupancy, unlawful or dangerous, the Building Official shall require the owner of such building, structure, equipment or premises to abate or cause to be abated or corrected such conditions either by repair, rehabilitation, demolition or other approved corrective action.

O. Evacuation. The Building Official shall be authorized to order the immediate evacuation of any occupied building or property deemed unsafe when such building or property has hazardous conditions that present imminent danger to its occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the Building Official.

P. Demolition. The Building Official shall order the owner of any premises upon which is located any structure which in the Building Official's judgment is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure. If the owner of such premises fails to comply with a

demolition order within the time prescribed, the Building Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons.

Q. Closing of vacant structures. If the structure is vacant and unfit for occupancy but not in danger of structural collapse or unsafe for emergency response personnel, the Building Official is authorized to post a placard of condemnation on the premises and order the structure and premises to be boarded and secured against entry so as not to be an attractive nuisance. Upon failure of the owner to comply with such order within the time specified, the Building Official shall cause the structure and premises to be boarded and secured against entry through any available public agency or by contract or arrangement by private persons. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

R. Authority to disconnect service utilities. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Chapter and the referenced codes and standards set forth in this Chapter in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Building Official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

S. Authority to condemn equipment. When any equipment, or portion thereof, regulated by this Chapter has become hazardous to life, health, or property, or when such equipment has been installed without required approvals, the Building Official is authorized to order that the equipment either be removed or restored to a safe or sanitary condition, as appropriate. When equipment or an installation is to be disconnected, the Building Official shall give written notice of the disconnection and causes therefore as soon as practical to the serving utility, owner, and occupant of the building, structure, or premises.

T. Notice of condemnation. Whenever the Building Official has condemned a structure or equipment under the provisions of this section, a notice to that effect shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall contain a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. The Building Official shall remove the condemnation notice whenever the defect or defects have been eliminated. Notice shall also be served on the owner of the structure or equipment by personal service or certified or first-class mail addressed to the last known address. If such mailed notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

U. Records. The Building Official shall cause a report to be filed on an unsafe condition in the department records for the property where the unsafe condition exists. The report shall state the occupancy of the structure and the nature of the unsafe condition.

V. Weed abatement. In addition to the remedies provided in Chapters 10.46 (Weed Control) and 10.50 (Abandoned and/or Neglected Plants or Crops), upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, the Building Official shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner and may be charged against the real estate upon which the structure is located by any all available legal means including but not limited to a lien or special assessment upon such real estate.

W. Summary abatement. Where conditions exist that are deemed hazardous to life and property, the Building Official is authorized to abate summarily such hazardous conditions that are in violation of this Chapter pursuant to the provisions of Section 16.30.020 of the Monterey County Code except that the hearing provided for in that section shall be held by the Hearing Officer pursuant to Chapter 1.22.

X. Collection of costs. Whenever the County of Monterey or their authorized agent have abated any violation of this Chapter, the Building Official may recover the costs of such enforcement by all available legal means from the owner including but not limited to a lien or special assessment upon such real estate. When any structure has been ordered demolished and removed, the Building Official shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted to the owner of the premises. If such a surplus does not remain to be turned over, the report shall so state.

Y. Liability. The Building Official or any subordinate while acting for the County of Monterey in good faith and without malice in the discharge of the duties required by this Chapter or other pertinent law or ordinance, shall not thereby be rendered liable personally and are hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Chapter shall be defended by legal representatives of the County of Monterey until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Chapter.

#### **18.02.050 Permits.**

A. Permits Required. Any person, firm or corporation who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or perform any grading work, the installation of which is regulated by this Chapter, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit except for emergency repairs and work exempt from permit requirements as defined in this Chapter.

B. Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the Building Official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Official shall have access to such records at all times or such records shall be filed with the Building Official as designated.

C. Emergency repairs. Where work requiring a permit must be performed in an emergency situation to protect persons, structures or property from unsafe or substandard conditions, the permit application shall be submitted to the Building Official within the next working business day or as soon thereafter as practical unless otherwise approved.

D. Phased approval. The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate

information and detailed statements have been filed complying with pertinent requirements of this Chapter. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

E. Work exempt from permit requirements. Exemptions from permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Chapter or any other laws or ordinances of the County of Monterey. Permits shall not be required for the following:

1. One-story detached structures accessory to detached one and two family dwellings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 240 square feet and the structure does not contain any electrical, plumbing or mechanical work and is not used to store hazardous materials or vehicles.

2. One-story detached structures not accessory to detached one and two family dwellings used as tool and storage sheds and similar uses, provided the floor area does not exceed 120 square feet and the structure does not contain any electrical, plumbing or mechanical work and is not used to store hazardous materials or vehicles.

3. Concrete and masonry fences not over 6 feet high, wood, vinyl and metal fences not more than 8 feet high and open metal fences not over 10 feet high.

4. Oil derricks.

5. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

6. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.

7. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.

8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Prefabricated swimming pools accessory to detached one and two family dwellings that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

11. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

12. Swings and other playground equipment accessory to detached one- and two-family dwellings.

13. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall.

14. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

15. 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 structure and do not serve a required exit door.

16. One agricultural building or structure on a lot of record that is 2.5 acres or more in size that is one story in height and does not exceed 500 square feet in area.

17. Listed cord-and-plug connected temporary decorative lighting.

18. Reinstallation of attachment plug receptacles but not the outlets therefore.

19. Replacement of branch circuit overcurrent devices of the required capacity in the same location.

20. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

21. Electrical repairs and maintenance for minor repair work, including the replacement of lamps, switches and receptacles or the connection of approved portable electrical equipment to approved permanently installed receptacles.

22. Electrical equipment used for radio and television transmissions that are not part of the equipment and wiring for a power supply.

23. Installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

24. Portable gas or mechanical heating, ventilating, cooling or clothes drying appliances.

25. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Chapter.

26. Replacement of any minor part that does not alter approval of gas or mechanical equipment or makes such equipment unsafe.

27. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

28. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

29. The stopping of leaks in drains, water, soil, waste or vent pipe, provided such repairs do not involve or require the removal and replacement of any defective concealed trap, drain pipe, water, soil, waste or vent pipe.

30. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

31. Replacement of any lavatory faucet, drain or water line that exists outside of the finished wall and connects to the fixture or water closet.

32. Replacement of water closets and water heaters in existing locations installed and approved under previous permit.

33. Ordinary maintenance repairs to structures that do not include any of the following: cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, removal or change of any required means of egress, rearrangement of parts of a structure affecting the egress requirements, addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety except as otherwise noted as exempt in this section.

34. Installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

35. Any structure used exclusively as a telephone booth or as an outdoor advertising sign subject to the permit requirements of the California Outdoor Advertising Act.

36. Any building or structure owned by a governmental agency, except the County of Monterey and local agencies as defined from time to time in Section 53090 of the Government Code, which shall comply to the extent provided by Sections 53090 to 53095, inclusive of the Government Code.

37. Any other work similar in nature to exempt categories as determined in writing by the Building Official.

F. Application for permit. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the Building Official for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use and occupancy for which the proposed work is intended.

4. Be accompanied by construction documents and other information as required in this Chapter and referenced codes and standards.

5. State the valuation of the proposed work.

6. Be signed by the applicant, or the applicant's authorized agent.

7. Give such other data and information as required by the Building Official.

G. Action on application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this Chapter and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.

H. Time limitation of application. An application for a permit for any proposed work shall expire 180 days after the date of filing unless a permit has been issued or the Building Official has granted an extension of time. The permit applicant shall request any desired extension in writing and provide justifiable cause for any delays in taking action. The Building Official may grant an extension of time to obtain a permit only if the proposed work will comply with all laws in effect at the time of the granting such extension.

I. Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter or of any other ordinance of the County of Monterey. Permits presuming to give authority to violate or cancel the provisions of this Chapter or other ordinances of the County of Monterey shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data and the completed work. The Building Official is also authorized to prevent occupancy or use of a structure where in violation of this Chapter or of any other laws or regulations of the County of Monterey.

J. Expiration of permits. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. When a project is divided into separate permits for the convenience of the County or permit holder, work on any one permit shall be deemed to have commenced or continued construction as applicable.

K. Extension of permits. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The Building Official may grant an extension of time to complete the construction only if the proposed work will comply with all laws in effect at the time of the granting such extension.

L. Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

M. Compliance with other regulations. No permit shall be issued or approved for any proposed work that does not comply with other applicable provisions of the Monterey County Code as determined by the Building Official.

**18.02.060 Floor and roof design loads.**

A. Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf, such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

B. Issuance of certificate of occupancy. A certificate of occupancy shall not be issued until the floor load signs required by this section have been installed.

C. Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this Chapter.

**18.02.070 Submittal documents.**

A. General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application when required by the Building Official. The construction documents shall be prepared by a registered design professional when required by state law. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

B. Construction documents. Construction documents shall be in accordance with the following:

1. Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

2. Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this Chapter and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards.

3. Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this Chapter. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

4. Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Chapter. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior

wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

5. Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the California Building Code. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

C. Examination of documents. The Building Official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Chapter and other pertinent laws or ordinances.

1. Approval of construction documents. When the Building Official issues a permit, the construction documents shall be stamped showing they are approved for construction. One set of construction documents so stamped shall be retained by the Building Official. The other set shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

2. Applicable building standards. The editions of the Referenced Codes or Standards in effect at the time an application for a permit is submitted shall apply to the plans and specifications for, and to the construction performed under that permit unless one of the following conditions exist:

(a) The County of Monterey is subject to an emergency proclaimed pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8850) of Division 1 of Title 2 of the Government Code).

(b) Work authorized by the permit is not commenced within 180 days from the date of the permit.

(c) The permit holder has suspended or abandoned the work authorized by the permit at any time after the work is commenced for a period of 180 consecutive days.

(d) The permit is subsequently deemed suspended or revoked because the Building Official has, in writing, suspended or revoked the permit due to its issuance in error or on the basis of incorrect information supplied.

3. Design professional designation. When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge (the "designer of record"). If the circumstances require, the owner shall designate a substitute designer of record who shall perform the duties required of the original designer of record. The Building Official shall be notified in writing by the owner if the designer of record is changed or is unable to continue to perform the duties. The designer of record shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

4. Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are

to be submitted to the Building Official within a specified period. Deferral of any submittal items shall have the prior approval of the Building Official. The designer of record shall list the deferred submittals on the construction documents for review by the Building Official. Documents for deferred submittal items shall be submitted to the designer of record who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the Building Official.

D. Amended construction documents. Work shall be installed in accordance with the approved construction documents. Any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents or the construction shall be revised to comply with the previously approved construction documents.

#### **18.02.080 Temporary structures and uses.**

A. General. The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

B. Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Chapter as necessary to ensure public health, safety and general welfare.

C. Temporary power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

D. Termination of approval. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

#### **18.02.090 Fees.**

A. Payment of fees. A permit shall not be valid until the fees prescribed by resolution of the Board of Supervisors have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

B. Schedule of permit fees. On all construction work requiring a permit under this Chapter, a fee for each permit shall be paid as required, in accordance with the fee schedule as approved by the Board of Supervisors in effect at the time of issuance or revision of such permit. Fees for services shall be based on the estimated reasonable cost of providing services. Costs shall include both direct and indirect costs of providing services according to generally accepted accounting principles.

C. Building permit valuation. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuation shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the Building Official may request that the applicant show detailed estimates to verify the permit valuation. Final permit valuation shall be set by the Building Official.

D. Work commencing before permit issuance. Any person who commences any work requiring a permit under this Chapter before obtaining the necessary permit shall be subject to additional fees as established by resolution of the Board of Supervisors.

E. Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a permit under this Chapter shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

F. Refunds. Refunds for fees on construction work requiring a permit under this Chapter shall be in accordance with the fee schedule as approved by the Board of Supervisors in effect at the time of request for such refund. Amount of refunds shall be based on the balance of monies remaining from the payment of fees after accounting for the estimated reasonable cost of services provided. Refunds shall be made in writing within one year from payment of fees or the initial expiration of any application or permit, whichever date is later. Subsequent renewal of any application or permit for the same work shall not affect the final date upon which a refund may be requested.

### **18.02.100 Inspections.**

A. General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Chapter or of other ordinances of the County of Monterey. Inspections presuming to give authority to violate or cancel the provisions of this Chapter or of other ordinances of the County of Monterey shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the County of Monterey shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.

B. Preliminary inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

C. Required inspections. The Building Official, upon notification, shall make the inspections set forth as follows:

1. Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

2. Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

3. Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification shall be submitted to the Building Official.

4. Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

5. Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished except for gypsum board that is not part of a fire-resistance-rated assembly.

6. Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

7. Energy efficiency inspections. Inspections shall be made to determine compliance with the California Energy Code and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.

8. Other inspections. In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Chapter and other applicable laws. No work shall be covered until inspected and approved by the Building Official.

9. Special inspections as otherwise required in this Chapter.

10. Final inspection. The final inspection shall be made after all work required by the building permit is completed.

D. Inspection agencies. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

E. Inspection requests. It shall be the duty of the holder of the building permit or a duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Chapter.

F. Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Chapter. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

#### **18.02.110 Certificate of occupancy.**

A. Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Chapter or of other laws or regulations of the County of Monterey.

B. Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this Chapter or other laws that are enforced by the County of Monterey, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.

5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Chapter for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

6. The name of the Building Official.

7. The edition of the code under which the permit was issued.

8. The use and occupancy, in accordance with the provisions of Chapter 3 of the California Building Code.

9. The type of construction as defined in Chapter 6 of the California Building Code.

10. The design occupant load.

11. If an automatic sprinkler system is provided, whether the sprinkler system is required.

12. Any special stipulations and conditions of the building permit.

C. Temporary occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. Such occupancy may authorize the temporary or permanent connection of the building or system to the utility source of energy, fuel or power. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

D. Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Chapter wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Chapter.

#### **18.02.120 Building Standards Appeals Board.**

A. General. In order to, hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Chapter, there shall be and is hereby created a Building Standards Appeals Board (“Appeals Board”).

At the request of the fire chief of a local fire protection district, the Appeals Board may also hear appeals of the orders, decisions or determinations made by the fire chief relative to the application and interpretation of the California Fire Code as adopted and amended by the County of Monterey.

B. Scope of appeals. An application for appeal shall be based on a claim that the true intent of this Chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the Chapter do not fully apply, or an equally good or better form of construction is proposed.

C. Limitation on authority. The Appeals Board shall have no authority to waive or reduce requirements of this Chapter. The Appeals Board shall have no authority or jurisdiction over any matter that is appealable under the Monterey County Code to any other board, commission or the County Hearing Officer. The Appeals Board shall not consider the subject matter of any appeal until the appellant provides sufficient evidence to establish that the appeal was filed and applicable fees were paid within the applicable time limits for filing of appeals pursuant to this Chapter.

D. Who may appeal. Any owner whose interests are adversely affected by any order, decision or determination made by the Building Official pursuant to the provisions of this Chapter and within the limits of authority specified herein, may file an appeal to the Appeals Board. For purposes of this section, owner means any individual, corporation, partnership, firm or any other group acting as a unit having a legal or equitable interest in the property as

recorded in the official records of the Assessor-County Clerk-Recorder for the County of Monterey, including the guardian or trustee of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

E. Terms of appointment. Standing members of the Appeals Board shall be appointed by the Board of Supervisors to serve a term of five years unless removed for cause. Initial appointments for standing members shall consist as follows: one for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed. Initial appointment of alternate members shall be one for five years and one for three years. Initial appointment of adjunct members shall be one for four years and one for two years for the physically disabled members and one public member for three years.

F. Standing members. The Appeals Board shall consist of five standing members who are qualified by experience and training and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances to pass on matters pertaining to building standards other than those related to accessibility and who are not employees of the County of Monterey. The standard members shall be composed of the following:

1. One State of California licensed architect.
2. One State of California registered civil or structural engineer.
3. One State of California registered mechanical engineer or licensed plumbing (C-36) or warm-air heating, ventilating and air-conditioning (C-20) contractor.
4. One State of California registered electrical engineer or licensed electrical contractor (C-10).
5. One State of California registered fire protection engineer or licensed fire protection contractor (C-16).

G. Alternate members. The Appeals Board shall also consist of two alternate members who shall be called by the Appeals Board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall be one State of California licensed architect and one State of California registered civil or structural engineer.

H. Accessibility appeal members. When the Appeals Board considers appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of building standards for accessibility, the Appeals Board shall consist of two standing or alternate members and three adjunct members. Adjunct members shall include two physically disabled members and one public member. Standing or alternate members shall be chosen by the chairperson prior to commencement of the appeal hearing.

I. Conflict of interest. Any standing, alternate or adjunct member shall not hear an appeal in which that member has a personal, professional or financial interest.

J. Filing of appeals. All appeals shall be in writing and shall be specific and in sufficient detail to provide a clear basis for issuing the requested decision. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal. All appeals shall be filed with the Clerk of the Board of Supervisors and with the Building Official within thirty (30) days after written notice of the decision from which the appeal is being taken has been mailed to the applicant or within ninety days of the actual order, decision or determination made by the Building Official, whichever is earlier. A fee for such appeals shall be established by resolution of the Board of Supervisors and payable at the time of filing. No appeal shall be accepted without the payment of such fee. No part of such fee shall be refundable unless the appeal is timely withdrawn as determined by the Building Official. Refunds shall be made pursuant to the provisions of this Chapter.

K. Finality of decisions. The decisions of the Appeals Board shall be conclusive and final and an exhaustion of administrative remedies for the County of Monterey.

L. Rules and procedures. The Appeals Board is authorized to establish policies and procedures necessary to carry out its duties, which shall at a minimum include the following:

1. Chairperson. The Appeals Board shall annually select one of its members to serve as chairperson.

2. Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

3. Secretary. The Building Official shall designate a qualified clerk to serve as secretary to the Appeals Board. The secretary shall file a detailed record of all proceedings in the office of the Clerk of the Board of Supervisors.

4. Compensation of members. Members shall serve without compensation, but shall receive their actual and necessary travel expenses in the performance of their duties.

5. Quorum. Attendance by three or more members shall constitute a quorum for all business and decisions.

6. Regular and special meetings. The Appeals Board shall meet upon notice from the chairperson of the filing of an appeal at regular meetings unless the chairperson elects to call a special meeting due to the urgency of the appeal. Regular meetings shall be scheduled monthly.

7. Open hearing. All hearings before the Appeals Board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

8. Conduct of hearings. The Appeals Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

9. Requests for continued and delayed hearings. The Appeals Board shall adopt rules on the justifying nature and time limits for requests for continued and delayed hearings by the Building Official or appellant.

10. Decision. The decision of the Appeals Board shall be by resolution. Certified copies shall be furnished to the appellant and to the Building Official.

M. Liability. Members of the Appeals Board while acting for the County of Monterey in good faith and without malice in the discharge of the duties required by this Chapter or other pertinent law or regulation, shall not thereby be rendered liable personally and are hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against a member of the Appeals Board because of an act performed by that member in the lawful discharge of duties and under the provisions of this Chapter shall be defended by legal representatives of the County of Monterey until the final termination of the proceedings. The member shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Chapter.

### **18.02.130 Violations.**

A. Compliance with building standards. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment or perform any grading work regulated by this Chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this Chapter.

B. Compliance with permit requirements. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any

building, structure or equipment or perform any grading work regulated by this Chapter, or cause same to be done without first obtaining a permit from the Building Official.

C. Expired permits. It shall be unlawful for any person, firm or corporation to fail to obtain final inspection approval from the Building Official on any permit issued pursuant to the provisions of this Chapter prior to its expiration. Expired permits shall be renewed upon subsequent application and the applicant/permittee shall complete the proposed work in compliance with the current provisions of this Chapter or shall restore the property and building to their former use and configuration.

D. Unreasonable state of partial construction. It shall be unlawful for any person, firm or corporation to permit any building or structure to remain in an unreasonable state of partial construction. An unreasonable state of partial construction exists if any of the following occurs:

1. Proposed work has not been diligently pursued on a consistent basis and the appearance of the structure or the construction site substantially detracts from the appearance of the neighborhood.

2. Condition of the structure or the construction site is detrimental to the public health, safety and welfare.

3. Structure or construction site has become an attractive nuisance.

E. Duty to maintain properties and structures. It shall be unlawful for any person, firm or corporation to fail to maintain any building, structure, equipment, premises or grading work regulated by this Chapter in compliance with the provisions of the building standards that lawfully existed at the time of construction or with subsequent minimum maintenance standards established by state or local law or this Chapter for existing buildings and property.

F. Prohibited conditions. It shall be unlawful for any owner to create, maintain or permit the continued existence of any dangerous structure or premises, unsafe condition, unsafe equipment, unsafe structure, any structure that is unfit for human occupancy, any substandard building or premises or any unlawful structure or any other hazards as defined in this Chapter. Such violations are public nuisances and the owner shall abate or cause to be abated or corrected such conditions either by repair, rehabilitation, demolition or other approved corrective action without delay.

G. Prohibition for substandard buildings. It shall be unlawful for any person, firm or corporation to create, maintain or permit the continued existence of a substandard building as defined in this Chapter.

H. Prohibited occupancy. It shall be unlawful for any owner to occupy or permit a person, firm or corporation to occupy any structure or premises condemned and placarded by the Building Official. It shall be unlawful for any person to enter such structure or premises except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

I. Compliance with notices and orders. It shall be unlawful for any person, firm or corporation to fail to comply with any order of the Building Official for the evacuation of any occupied building or property, disconnection of service utilities or equipment, stop work order or the suspension and revocation of permits or certificate of occupancies.

J. Removal of posted notices and orders. It shall be unlawful for any person, firm or corporation to remove or deface any notices or orders posted by the Building Official on any structure or any property until the Building Official gives written approval for such removal.

K. Interference with ordered corrective actions. It shall be unlawful for any person, firm or corporation to obstruct, impede or interfere or attempt to obstruct, impede or interfere with any person engaged in the lawful work of vacating, repairing or demolishing any building, structure, equipment, premises or performing any grading work or performing any necessary

act preliminary to or incidental to such work when that action is being taken to correct violations of this Chapter as ordered by the Building Official.

**18.02.140 Notice of violation recordation.**

A. Notice of intent to record. If the Building Official determines that sufficient cause exists to charge that a violation of this Chapter exists, the Building Official may cause to be mailed to the owner, as reported on the latest equalized assessment roll, and the occupant if different from the owner, a notice of intention to record a notice of violation. The notice shall include a description of the property, a description of the violation, the action necessary to abate the violation, the time limit for compliance, the intent to record the notice of violation, and provide opportunity for the occupant or owner to present evidence by a date certain as to why the notice should not be recorded.

B. Recording of notice of violation. The Building Official may record a notice of violation with the County Recorder after the time limit for compliance has passed if the owner or occupant fails to provide sufficient evidence to establish reasonable doubt that a violation exists.

C. Right of appeal. If the owner, occupant or his or her authorized agent disagrees with the determination that a violation of this Chapter exists on the property, he or she may apply for a "Removal of Notice of Violation" by requesting a hearing before the County Hearing Officer pursuant to the provisions of Chapter 1.22 of the Monterey County Code.

D. Removal of notice of violation. The Building Official shall remove the recorded notice of violation when the violation no longer exists and all required work to abate the violation has been completed and approved as determined by the Building Official or County Hearing Officer on appeal.

SECTION 8. Chapter 18.03 is added to the Monterey County Code to read:

**CHAPTER 18.03**

**BUILDING CODE**

**Sections:**

- 18.03.010 Adoption.**
- 18.03.020 Applicability of local amendments.**
- 18.03.030 Fire sprinkler requirements.**
- 18.03.040 Roofing requirements.**
- 18.03.050 Solar photovoltaic system requirements.**
- 18.03.060 Structural requirements.**

**18.03.010 Adoption.**

That certain document entitled 2010 California Building Code, California Code of Regulations, Title 24, Part 2, Volumes 1 and 2, which includes Appendices C, I and J as published by the California Building Standards Commission, which is based on the 2009 International Building Code with applicable amendments from the State of California, and the local amendments of this Chapter, are hereby adopted as the Building Code for the County of Monterey.

**18.03.020 Applicability of local amendments.**

Notwithstanding any provisions of the 2010 California Building Code to the contrary, the local amendments set forth in this chapter shall apply.

**18.03.030 Fire sprinkler requirements.**

Fire sprinkler requirements shall also conform to the local amendments of the Fire Code in Chapter 18.10.

**18.03.040 Roofing requirements.**

Roofing requirements shall also conform to the local amendments of the Fire Code in Chapter 18.10.

**18.03.050 Solar photovoltaic system requirements.**

Solar Photovoltaic System requirements shall also conform to the local amendments of the Fire Code in Chapter 18.10.

**18.03.060 Structural requirements.**

A. Stability Coefficient for P-Delta Effects. The formula for the stability coefficient calculated in Section 12.8.7 of ASCE 7 shall be revised to include the importance factor determined from Section 11.5 within its numerator.

B. Special inspections. Special inspection shall be required where the structural design of reinforced concrete is based on a specified compressive strength ( $f'_c$ ) greater than 2,500 pounds per square inch (psi).

C. Structural observation. Structural observation shall be required whenever the lateral force resisting system is constructed, altered or repaired unless otherwise approved in writing by the Building Official for work of a minor nature.

D. Footing materials. Footings shall be constructed of reinforced concrete unless otherwise approved in writing by the Building Official.

E. Use of reinforced concrete. All concrete used for footings, foundation, basement and story walls, piles, pile caps, beams, structural slabs and diaphragms, frames, columns and all other structural members in all structures shall be constructed of reinforced concrete designed to resist all applicable loads.

F. Use of reinforced masonry. All masonry used for basement and story walls, beams, frames, columns and all other structural members in all structures shall be constructed of reinforced masonry designed to resist all applicable loads.

G. Design methods for conventional light-frame construction. The design of structural members in the vertical-load-resisting system may use the provisions of Section 2308. The design of the lateral-force-resisting system for structures with shear walls and diaphragms shall use either the allowable stress design method or the load and resistance factor design method for the design of all structural elements of the load path.

H. Materials for shear walls and diaphragms in wood framed construction. Shear walls and diaphragms shall be constructed of wood structural panels. Plywood sheathing used in shear walls and blocked diaphragms shall be a minimum of four-ply construction. Shear wall materials shall be applied directly to framing members and be nailed on all edges. Diaphragm materials shall be applied directly to framing members, solid lumber planking or laminated decking. Fasteners for shear walls and diaphragms shall be common nails with full heads that meet the tolerances for head, shank and length in ASTM 1667 for hand-driven nails.

I. Design values for seismic loading. All structural elements of the load path for the lateral force resisting system shall consider the strength and ductility degradation caused by the dynamic nature of seismic loading. Strength of material design values established by static or monotonic loading conditions shall be reduced a minimum of twenty five percent when used to resist seismic loading unless otherwise approved by the Building Official.

J. Drift control. All wood structural panel shear walls with an aspect ratio greater than one vertical unit to one horizontal unit shall demonstrate sufficient stiffness to control story drift. Shear panels with an aspect ratio that exceeds two vertical to one horizontal shall require design values for strength and stiffness established by dynamic testing. Elongation of hold down devices shall be restricted to prevent cross grain bending of sill plates. Shear walls with openings shall be designed for force transfer around the openings.

SECTION 9. Chapter 18.04 is added to the Monterey County Code to read:

## **CHAPTER 18.04**

### **RESIDENTIAL CODE**

#### **Sections:**

- 18.04.010 Adoption.**
- 18.04.020 Applicability of local amendments.**
- 18.04.030 Fire sprinkler requirements.**
- 18.04.040 Roofing requirements.**
- 18.04.050 Solar photovoltaic system requirements.**
- 18.04.060 Structural requirements.**

#### **18.04.010 Adoption.**

That certain document entitled 2010 California Residential Code, California Code of Regulations, Title 24, Part 2.5, which includes Appendix H as published by the California Building Standards Commission, which is based on the 2009 International Residential Code with applicable amendments from the State of California, Appendix G of the 2009 International Residential Code and the local amendments of this Chapter, are hereby adopted as the Residential Code for the County of Monterey.

#### **18.04.020 Applicability of local amendments.**

Notwithstanding any provisions of the 2010 California Residential Code to the contrary, the local amendments set forth in this Chapter shall apply.

#### **18.04.030 Fire sprinkler requirements.**

Fire sprinkler requirements shall also conform to the local amendments of the Fire Code in Chapter 18.10.

#### **18.04.040 Roofing requirements.**

Roofing requirements shall also conform to the local amendments of the Fire Code in Chapter 18.10.

**18.04.050 Solar photovoltaic system requirements.**

Solar Photovoltaic System requirements shall also conform to the local amendments of the Fire Code in Chapter 18.10.

**18.04.060 Structural requirements.**

A. Geotechnical investigations. Geotechnical investigations shall be conducted in accordance with the requirements of Section 1803 of the 2010 California Building Code.

B. Stability Coefficient for P-Delta Effects. The formula for the stability coefficient calculated in Section 12.8.7 of ASCE 7 shall be revised to include the importance factor determined from Section 11.5 within its numerator.

C. Special inspections. Special inspection shall be required where the structural design of reinforced concrete is based on a specified compressive strength ( $f'_c$ ) greater than 2,500 pounds per square inch (psi).

D. Structural observation. Structural observation shall be required whenever the lateral force resisting system is constructed, altered or repaired unless otherwise approved in writing by the Building Official for work of a minor nature.

E. Footing materials. Footings shall be constructed of reinforced concrete unless otherwise approved in writing by the Building Official.

F. Use of reinforced concrete. All concrete used for footings, foundation, basement and story walls, piles, pile caps, beams, structural slabs and diaphragms, frames, columns and all other structural members in all structures shall be constructed of reinforced concrete designed to resist all applicable loads.

G. Use of reinforced masonry. All masonry used for basement and story walls, beams, frames, columns and all other structural members in all structures shall be constructed of reinforced masonry designed to resist all applicable loads.

H. Design methods for conventional light-frame construction. The design of structural members in the vertical-load-resisting system may use the provisions of Section 2308. The design of the lateral-force-resisting system for structures with shear walls and diaphragms shall use either the allowable stress design method or the load and resistance factor design method for the design of all structural elements of the load path.

I. Materials for shear walls and diaphragms in wood framed construction. Shear walls and diaphragms shall be constructed of wood structural panels. Plywood sheathing used in shear walls and blocked diaphragms shall be a minimum of four-ply construction. Shear wall materials shall be applied directly to framing members and be nailed on all edges. Diaphragm materials shall be applied directly to framing members, solid lumber planking or laminated decking. Fasteners for shear walls and diaphragms shall be common nails with full heads that meet the tolerances for head, shank and length in ASTM 1667 for hand-driven nails.

J. Design values for seismic loading. All structural elements of the load path for the lateral force resisting system shall consider the strength and ductility degradation caused by the dynamic nature of seismic loading. Strength of material design values established by static or monotonic loading conditions shall be reduced a minimum of twenty five percent when used to resist seismic loading unless otherwise approved by the Building Official.

K. Drift control. All wood structural panel shear walls with an aspect ratio greater than one vertical unit to one horizontal unit shall demonstrate sufficient stiffness to control story drift. Shear panels with an aspect ratio that exceeds two vertical to one horizontal shall require design values for strength and stiffness established by dynamic testing. Elongation of hold down devices shall be restricted to prevent cross grain bending of sill plates. Shear walls with openings shall be designed for force transfer around the openings.

SECTION 10. Chapter 18.05 is added to the Monterey County Code to read:

**CHAPTER 18.05**

**ELECTRICAL CODE**

**Sections:**

- 18.05.010 Adoption.**
- 18.05.020 Applicability of local amendments.**
- 18.05.030 Solar photovoltaic system requirements.**

**18.05.010 Adoption.**

That certain document entitled 2010 California Electrical Code, California Code of Regulations, Title 24, Part 3, which includes Annex A and B as published by the California Building Standards Commission, which is based on the 2008 National Electrical Code with applicable amendments from the State of California, Annexes C and D of the 2008 National Electrical Code and the local amendments of this Chapter, are hereby adopted as the Electrical Code for the County of Monterey.

**18.05.020 Applicability of local amendments.**

Notwithstanding any provisions of the 2010 California Electrical Code to the contrary, the local amendments set forth in this Chapter shall apply.

**18.05.030 Solar photovoltaic system requirements.**

Solar Photovoltaic System requirements shall also conform to the local amendments of the Fire Code in Chapter 18.10.

SECTION 11. Chapter 18.06 is added to the Monterey County Code to read:

**CHAPTER 18.06**

**MECHANICAL CODE**

**Section:**

- 18.06.010 Adoption.**

**18.06.010 Adoption**

That certain document entitled 2010 California Mechanical Code, California Code of Regulations, Title 24, Part 4, which includes Appendix D as published by the California Building Standards Commission, which is based on the 2009 Uniform Mechanical Code with applicable amendments from the State of California, Appendices B and C of the 2009 Uniform Mechanical Code and the local amendments of this Chapter, are hereby adopted as the Mechanical Code for the County of Monterey.

SECTION 12. Chapter 18.07 is added to the Monterey County Code to read:

## CHAPTER 18.07 - PLUMBING CODE

### Sections:

- 18.07.010 Adoption.**
- 18.07.020 Applicability of local amendments.**
- 18.07.030 Water conservation measures**
- 18.07.040 Sewage disposal.**

### **18.07.010 Adoption.**

That certain document entitled 2010 California Plumbing Code, California Code of Regulations, Title 24, Part 5, which includes Appendices A, B, D, G, I and K as published by the California Building Standards Commission, which is based on the 2009 Uniform Plumbing Code with applicable amendments from the State of California, and the local amendments of this Chapter, are hereby adopted as the Plumbing Code for the County of Monterey.

### **18.07.020 Applicability of local amendments.**

Notwithstanding any provisions of the 2010 California Plumbing Code to the contrary, the local amendments set forth in this Chapter shall apply.

### **18.07.030 Water conservation measures.**

Water conservation measures shall also conform to the requirements of Chapters 15.12, 18.44 and 18.50 of the Monterey County Code.

### **18.07.040 Sewage disposal.**

Sewage disposal measures shall also conform to the requirements of Chapter 15.20 of the Monterey County Code.

SECTION 13. Chapter 18.08 is added to the Monterey County Code to read:

## CHAPTER 18.08

## ENERGY CODE

### Section:

- 18.08.010 Adoption.**

### **18.08.010 Adoption.**

That certain document entitled 2010 California Energy Code, California Code of Regulations, Title 24, Part 6, which includes Appendix 1-A as published by the California Building Standards Commission, is hereby adopted as the Energy Code for the County of Monterey.

SECTION 14. Chapter 18.09 is added to the Monterey County Code to read:

**CHAPTER 18.09**

**HISTORICAL BUILDING CODE**

**Section:**

**18.09.010 Adoption.**

**18.09.010 Adoption.**

That certain document entitled 2010 California Historical Building Code, California Code of Regulations, Title 24, Part 8 as published by the California Building Standards Commission is hereby adopted as the Historical Building Code for the County of Monterey.

SECTION 15. Chapter 18.10 is added to the Monterey County Code to read:

**CHAPTER 18.10**

**FIRE CODE**

**Sections:**

**18.10.010 Adoption.**

**18.10.020 Applicability of local amendments.**

**18.10.030 Local amendments.**

**18.10.010 Adoption.**

That certain document entitled 2010 California Fire Code, California Code of Regulations, Title 24, Part 9, which includes Appendices B, BB, C, CC and H as published by the California Building Standards Commission, which is based on the 2009 International Fire Code with applicable amendments from the State of California, and the local amendments of this Chapter, are hereby adopted as the Fire Code for the County of Monterey.

**18.10.020 Applicability of local amendments.**

Notwithstanding any provisions of the 2010 California Fire Code to the contrary, the local amendments set forth in this Chapter shall apply.

**18.10.030 Local amendments.**

A. Fire code adoption. Sub-section 101.1 of Section 101 of Chapter 1 Division II of the 2010 California Fire Code is amended to read:

1. Title. These regulations shall be known as the Fire Code of the County of Monterey, hereinafter referred to as "this code."

B. Adoption of appendices. Sub-section 101.2.1 of Section 101 of Chapter 1 Division II of the 2010 California Fire Code is amended to read:

1. Appendices. Provisions in Appendices A, D, F and J of the 2009 International Fire Code and the provisions following in new Appendices K, L and M are hereby adopted in their entirety, and shall apply.

C. Construction and design provisions. Sub-sections 102.1 and 102.3 of Section 102 of Chapter 1 Division II of the 2010 California Fire Code are amended to read:

1. Construction and design provisions. The construction and design provisions of this code shall apply to:

- a) Structures, facilities and conditions arising after the adoption of this code.
- b) Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
- c) Existing structures, facilities and conditions when required in Chapter 46.
- d) Existing structures, facilities and conditions which, in the opinion of the Fire Code Official, constitute a distinct hazard to life or property.
- e) Existing structures to which additions, alterations or repairs are made that involve the addition, removal or replacement of fifty percent (50%) or greater of the linear length of the walls of the existing building (exterior plus interior) within a five-year period.
- f) Existing structures to which additions, alterations or repairs are made that are valued at an amount set forth by resolution, where adopted.

2. Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the provisions of this code.

D. Responsibility for enforcement. Sub-sections 103.1 and 103.6 are added and subsections 103.2, 103.3, 103.4 and 103.5 are renumbered in Section 103 of Chapter 1 Division II of the 2010 California Fire Code to read:

1. Responsibility for enforcement. Responsibility for enforcement of this code shall be:
  - a) Within established fire protection districts, and community services districts, responsibility for enforcement of this code shall be under the direction of the Fire Chief within each district.
  - b) In all other areas of Monterey County outside incorporated cities, organized special districts, or fire districts; responsibility for implementation, administration and enforcement of this code shall be under the direction of the Building Official for the County of Monterey. For purposes of implementation, administration and enforcement of this code, the Building Official shall be the Fire Code Official.

2. 103.2 General. The department of fire prevention...

3. 103.3 Appointment. The Fire Code Official...

4. 103.4 Deputies. In accordance with...

5. 103.5 Liability. The Fire Code Official...

6. 103.5.1 Legal defense. Any suit instigated against...

7. 103.6 Police Powers. The Fire Code Official and his/her deputies shall have the powers of police officers in performing their duties under this code. When requested to do so by the Fire Code Official, the chief of police of the jurisdiction is authorized to assign such available police officers as necessary to assist the Fire Code Official in enforcing the provisions of this code.

E. Agricultural explosive devices. Sub-section 105.6.48 of Section 105 of Chapter 1 Division II of the 2010 California Fire Code is added to read:

1. Agricultural explosive devices. An operational permit is required for storage or use of any agricultural explosive device including "bird bombs".

F. Violation penalties. Sub-section 109.3 of Section 109 of Chapter 1 Division II of the 2010 California Fire Code is amended to read:

1. Violation penalties. Persons who shall violate any provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor,

punishable by a fine of not more than one thousand (\$1,000.00) dollars or by imprisonment not exceeding six months or both such fine and imprisonment unless the District Attorney files a complaint charging the offense as an infraction or the Fire Code Official issues a citation charging the offense as an infraction. Any person convicted of an infraction under the provisions of this code, unless provision is otherwise made in this code, shall be punishable upon a first conviction of a fine of not more than two hundred fifty dollars (\$250.00), and for a second conviction within a period of one year by a fine of not more than five hundred dollars (\$500.00), and for a third or any subsequent conviction within a period of one year by a fine of not more than one thousand dollars (\$1,000.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

G. Failure to comply with a stop work order. Sub-section 111.4 of Section 111 of Chapter 1 Division II of the 2010 California Fire Code is amended to read:

1. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor or infraction as specified in Section 109.3 of this code.

H. Added definitions. Definitions are added to Section 202 of Chapter 2 of the 2010 California Fire Code to read:

1. All Weather Surface. A road surface constructed to the minimum standards adopted by this jurisdiction.

2. Bridge. A structure to carry a roadway over a depression or obstacle.

3. Idle pallet. A pallet or similar product storage and/or lifting device not currently in use and empty of product.

I. Storage of idle pallets. Sub-sections 318.1 and 318.2 and 318.3 and Table 318.3 of Section 318 of Chapter 3 of the 2010 California Fire Code are added to read:

1. General. The requirements of this section apply to all pallets, whether wood or plastic.

2. Storage of idle pallets. Storage of idle pallets shall be as follows:

a) Idle pallets shall be stored outside, except as permitted by Section 318.2(2) of this code.

b) Idle pallets shall be permitted to be stored in a building if the building is sprinklered in accordance with NFPA 13.

c) Idle pallets stored outside shall be stored in accordance with Section 318.3 of this code.

3. 318.3 Physical characteristics of outside storage. Outside storage of pallets shall be arranged as follows:

a) Idle pallet stacks shall not exceed twenty feet (20') in height.

b) Idle pallet stacks shall not cover an area of greater than 400 square feet, except as approved by the Fire Code Official.

c) Idle pallet stacks shall be arranged to form stable piles.

d) A distance of not less than twenty-five feet (25') shall separate stacks.

e) Stacks shall be no closer than twenty-five feet (25') to any property line.

f) Stacks shall be no closer than twenty-five feet (25') to any other yard storage.

g) Stacks shall be no closer than the distances shown in Table 318.3 to buildings.

TABLE 318.3  
REQUIRED CLEARANCES BETWEEN OUTSIDE IDLE PALLET STORAGE AND  
BUILDINGS

| Wall Construction  | Under 50 Pallets | 51-200 Pallets  | Over 200 Pallets |
|--|------------------|-----------------|------------------|
| Masonry with no openings   | No restrictions  | No restrictions | 15 feet          |
| Masonry with wired glass in openings, outside sprinklers, and one-hour doors | No restrictions  | 10 feet         | 20 feet          |
| Masonry with wired or plain glass, outside sprinklers, and ¾ hour doors      | 10 feet          | 20 feet         | 30 feet          |
| Wood or metal with outside sprinklers  | 10 feet          | 20 feet         | 30 feet          |
| Wood, metal, or other  | 20 feet          | 30 feet         | 50 feet          |

J. Private bridge engineering and fire apparatus access roads. Sub-sections 503.2.6.1 and 503.2.6.2 and 503.2.7 and 503.7.1 and 503.7 of Section 503 of Chapter 5 of the 2010 California Fire Code are added and amended to read:

1. Private bridge engineering. Every private bridge hereafter constructed shall meet the following engineering requirements:

a) The weight shall be designed for a minimum of HS 20-44 loading as prescribed by the American Association of State Highway and Transportation Officials (ASHTO).

b) The unobstructed vertical clearance shall be not less than 15 feet clear.

c) The width shall be a minimum of 20 feet clear. The Fire Code Official may require additional width when the traffic flow may be restricted or reduce the width to a minimum of 12 feet for Occupancy Group U or R-3 occupancies.

d) The maximum grade change of the approach to and from any private bridge shall not exceed 8% for a minimum distance of 10 feet.

2. Private bridge certification. Every private bridge hereafter constructed shall be engineered by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. Certification that the bridge complies with the design standards required by this code and the identified standards, and that the bridge was constructed to those standards, shall be provided by the licensed engineer, in writing, to the Fire Code Official. Every private bridge, including existing and those constructed under this code, shall be certified as to its maximum load limits every ten (10) years or whenever deemed necessary by the Fire Code Official. Such recertification shall be by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. All fees charged for the purpose of certification or recertification of private bridges shall be at the owner's expense.

3. Grade. The grade of the fire apparatus access road shall be no greater than 15% unless specifically approved by the Fire Code Official.

4. Paving. All fire apparatus access roads over eight percent (8%) shall be paved with a minimum 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base. All fire apparatus access roads over fifteen percent (15%) where approved shall be paved with perpendicularly grooved concrete.

5. Fire apparatus access roads. All fire apparatus access road names shall be issued by the Monterey County Resource Agency, Public Works Department.

K. Required key boxes. Sub-section 506.1 of Section 506 of Chapter 5 of the 2010 California Fire Code is amended to read:

1. Where required. Where access to our within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting

purposes, the Fire Code Official is authorized to require a key box or other approved emergency access device to be installed in an approved location. The key box or other approved emergency access device shall be of an approved type and shall contain keys or other information to gain necessary access as required by the Fire Code Official.

L. Inspection and testing of fire protection water supplies. Sub-section 507.5.2 of Section 507 of Chapter 5 of the 2010 California Fire Code is amended to read:

1. Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the Fire Code Official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards. When required by the Fire Code Official, hydrants shall be painted in accordance with the most current edition of NFPA 291.

M. Spark arresters on fuel fired appliances. Sub-section 603.6.6 of Section 603 of Chapter 6 of the 2010 California Fire Code is added new to read:

1. Spark arresters. An approved spark arrester shall be installed on all chimneys, incinerators, smokestacks or similar devices for conveying smoke or hot gases to the outer air.

N. Fire protection systems. Sub-sections 901.1.1 and 901.4 and 901.4.5 and 901.6.3 of Section 901 of Chapter 9 of the 2010 California Fire Code are added and amended to read:

1. Responsibility. The owner of the protected premises shall be responsible for all fire protection systems within the protected premises, whether existing or installed under this code.

2. Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. All systems shall be extended, altered or augmented as necessary to maintain and continue protection wherever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards.

3. Non-operational equipment. Any fire protection equipment that is no longer in service shall be removed.

4. Qualifications of Inspection, Testing and Maintenance Personnel. All personnel performing any inspection, testing or maintenance of any fire protection system shall be qualified. Where such inspection, testing and maintenance is performed by an outside service company, the company shall be appropriately licensed in accordance with the California Business & Professions Code or by the California State Fire Marshal.

O. Required automatic sprinkler systems. Sub-sections 903.2 and 903.3 and 903.4 of Section 903 of Chapter 9 of the 2010 California Fire Code are amended to read:

1. Where required. Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction in the locations, including but not limited to those described in Sections 903.2.1 through 903.2.18.

Exceptions:

a) Structures not classified as Group H or R occupancies that are not more than 500 square feet in total floor area.

b) Detached non-commercial agricultural buildings, as defined by this code and classified as Group U occupancies, located at least one hundred feet (100') from any other structure or property lines, and not greater than 12,000 square feet in total floor area.

c) Accessory structures associated with existing non-sprinklered R-3 occupancies (one or two family dwellings) and less than 1500 square feet in total fire area.

d) Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the Fire Code Official permits alternate protection.

2. Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

- a) The fire area exceeds 500 square feet.
- b) The fire area has an occupancy load of 300 or more.
- c) The fire area is located on a floor other than a level of exit discharge serving such occupancies.

d) The fire area contains a multi-theater complex.

3. Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

a) The fire area exceeds 500 square feet.

b) The fire area has an occupant load of 100 or more.

c) The fire area is located on a floor other than a level of exit discharge serving such occupancies.

d) The structure exceeds 500 square feet, contains more than one fire area containing a Group A-2 occupancy, and is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

4. Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

a) The fire area exceeds 500 square feet.

b) The fire area has an occupant load of 300 or more.

c) The fire area is located on a floor other than a level of exit discharge serving such occupancies.

d) The structure exceeds 500 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

5. Group A-4. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

a) The fire area exceeds 500 square feet.

b) The fire area has an occupant load of 300 or more.

c) The fire area is located on a floor other than a level of exit discharge serving such occupancies.

6. Group A-5. An automatic sprinkler system shall be provided for Group A-5 occupancies in the following areas: concession stands, retail areas, press boxes and other accessory use areas in excess of 500 square feet.

7. Group E. Except as provided for in Section 903.2.3.1 for a new public school campus an automatic sprinkler system shall be provided for Group E occupancies as follows:

a) Throughout all Group E fire areas greater than 500 square feet in area.

b) Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

c) In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.

d) Throughout any Group E structure greater than 500 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

8. Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

a) A Group F-1 fire area exceeds 500 square feet.

b) A Group F-1 fire area is located more than three stories above grade plane.

9. Woodworking operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 500 square feet in area which generate finely divided combustible waste or which use finely divided combustible materials. [SFM] A fire wall of less than four-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separated fire areas.

10. Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

- a) A Group M fire area exceeds 500 square feet.
- b) A Group M fire area is located more than three stories above grade plane.
- c) The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 500 square feet.
- d) A Group M occupancy is used for the display and sale of upholstered furniture.
- e) The structure exceeds 500 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating.

11. Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area, including but not limited to, one- and two-family dwellings, town-homes, and manufactured homes and mobile homes located outside of licensed mobile home parks hereafter constructed, moved into or relocated within the jurisdiction, including all additions to buildings already equipped with automatic fire sprinkler systems.

Exceptions:

- a) Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor, and not housing clients above the second floor.
- b) Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3 of the California Building Code.
- c) Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
- d) Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).  
When not used in accordance with Section 504.2 or 506.3 of the California Building Code an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

12. Group S-1. An automatic sprinkler system shall be provided throughout buildings containing a Group S-1 occupancy where one of the following conditions exists:

- a) A Group S-1 fire area exceeds 500 square feet.
- b) A Group S-1 fire area is located more than three stories above grade plane.
- c) The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 500 square feet.
- d) A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 500 square feet.

13. Bulk storage of tires. Buildings and structures where the area for the storage of tires exceeds 500 square feet shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

14. Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the California Building Code as follows:

- a) Where the fire area of the enclosed parking garage exceeds 500 square feet; or
- b) Where the enclosed parking garage is located beneath other groups.

15. Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the fire area exceeds 500 square feet.

16. Installation requirements. Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1 through 903.3.9.

17. NFPA 13D sprinkler systems. Where allowed automatic sprinkler systems installed in one- and two-family dwellings and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D.

18. Leak testing. All fire sprinkler systems installed in one- and two-family dwellings shall be tested for leakage by undergoing a hydrostatic test made at 200 psi for a two-hour duration.

19. Indicator Control Valve. Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve, arranged to shut off both the domestic and sprinkler systems. A separate shut-off valve for the domestic system only shall be permitted to be installed. The location of the control valve shall be approved by the Fire Code Official.

20. Bathrooms. Automatic sprinklers shall be installed in all bathrooms, regardless of square footage.

21. Garages. Automatic sprinklers shall be installed in all attached garages and structures.

22. Storage areas. Automatic sprinklers shall be installed in all accessible storage areas.

23. Under stair spaces. Automatic sprinklers shall be installed in all under-stair spaces including all closets.

24. Local water flow alarms. Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBa. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit.

25. Elevators. Automatic fire sprinklers shall not be installed at the top of passenger elevator hoistways or in the associated passenger elevator mechanical rooms.

26. Heat detectors in hoistways. Where automatic fire sprinklers are not installed at the top of passenger elevator hoistways, heat detectors for the shunt trip mechanism shall not be installed, nor shall smoke detectors for elevator recall be installed.

27. Heat detectors in mechanical rooms. Where automatic fire sprinklers are not installed in associated elevator mechanical rooms, heat detectors for the shunt trip mechanism shall not be installed. A smoke detector shall be installed for elevator recall.

28. Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station or, when approved by the Fire Code Official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system.

Exceptions:

a) Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.

b) Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

29. Alarms. One exterior approved audible device shall be connected to every automatic sprinkler system in an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Interior alarm notification appliances shall be installed as required by Section 903.4.2.1.

30. Audible and visible notification. Where an automatic fire sprinkler system is installed in a building with more than one tenant or with over 100 sprinkler heads, audible and visible notification appliances shall be installed throughout the building as follows:

a) Audible notification appliances shall be installed so as to be audible at 15 dBA above average sound pressure level throughout the building.

b) Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.

c) Visible notification appliances can be eliminated in normally unoccupied portions of buildings where permitted by the Fire Code Official.

Exception: The requirements of this section do not apply to Group R-3 Occupancies.

31. Floor control valves. Approved indicating control valves and water flow switches shall be provided at the point of connection to the riser on each floor in all buildings over one story in height, and shall be individually annunciated as approved by the Fire Code Official.

P. Fire alarm and detection systems. Sub-sections 907.1.6 and 907.2 and 907.7.4 and 907.7.6 and 907.8.2 of Section 907 of Chapter 9 of the 2010 California Fire Code are added and amended to read:

1. Multiple fire alarm systems. Multiple fire alarm systems within single protected premises are not permitted, unless specifically authorized by the Fire Code Official.

2. Where required - new buildings and structures. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.6, unless other requirements are provided by another section of this code. A minimum of one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarms systems employing automatic fire detectors or water-flow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers or automatic fire alarm systems, a single fire alarm box shall be installed at a location approved by the enforcing agency.

Exceptions:

a) The manual fire alarm box is not required for fire alarm control units dedicated to elevator recall control.

b) The manual fire alarm box is not required for Group R-2 occupancies unless required by the Fire Code Official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is accessible to the public.

c) The manual fire alarm box is not required to be installed when approved by the Fire Code Official.

3. Access. Access shall be provided to each fire alarm system component for periodic inspection, maintenance and testing.

4. Zone transmittal. Where required by the Fire Code Official, fire alarm signals shall be transmitted by zone to the supervising station and retransmitted by zone to the public fire service communications center.

5. Completion documents. The following documentation shall be provided at the time of acceptance testing for all fire alarm system installations:

a) A record of completion in accordance with NFPA 72.

b) A contractor's statement verifying that the system has been installed in accordance with the approved plans and specifications, and has been 100% tested in accordance with NFPA 72.

c) A contractor's affidavit of personnel qualifications, indicating that all personnel involved with the installation of the fire alarm system meet the qualification requirements of the Fire Code Official.

Q. Grade for fire apparatus access roads. Sub-section D103.2 of Appendix D of the 2010 California Fire Code is amended to read:

1. Grade. Fire apparatus access roads shall not exceed 15 percent in grade with a maximum side slope of 5 percent.

Exception: Grades steeper than 15 percent, if approved by the Fire Code Official, shall be paved with perpendicularly grooved concrete.

R. Appendix "K" Standard Fire Conditions for Single Family Dwellings. Appendix "K" is added to the 2010 California Fire Code to read:

1. Section K101 – General.

a) K101.1 Scope. Applications for the construction or remodel of single family dwellings, including one- and two-family dwellings, town homes, factory built housing, and mobile homes outside of established mobile home parks, shall be subject to the fire conditions in this appendix when conditioned by the Fire Code Official.

b) K101.2 Conflicting Sections. Where provisions in this appendix conflict with other sections of this code, or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the Fire Code Official.

2. Section K102 – Roads.

a) K102.1 General. These conditions will be used primarily when conditioning a subdivision or other project that requires roads. Roads are defined as access pathways for more than two parcels.

b) K102.2 Roads. access. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name.

c) K102.3 Roadway engineering and dead-end roads. The grade for all roads shall not exceed 15 percent with a maximum side slope of 5%. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius

of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

d) K102.3.1 Parcels less than one (1) acre. For parcels less than 1 acre, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 800 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

e) K102.3.2 Parcels greater than 1 acre and not exceeding 5 acres, For parcels greater than 1 acre and not exceeding 5 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 1320 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length

f) K102.3.3 Parcels greater than 5 acres and not exceeding 20 acres. For parcels greater than 5 acres and not exceeding 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 2640 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

g) K102.3.4 Parcels greater than 20 acres. For parcels greater than 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 5280 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

### 3. Section K103 – Driveways, gates and bridges.

a) K103.1 Driveways. Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent with a maximum side slope of 5%. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal

inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be constructed with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

b) K103.2 Gates. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.

c) K103.3 Bridges. All new and reconstructed bridges shall be at least the width of the roadbed and berms, but in no case less than 12 feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS15-44 loading and have guardrails. Appropriate signage, including but not limited to, weight ratings or vertical clearance limitations, and one-way road or single-lane road conditions, shall be provided at both entrances to any bridge. One-lane bridges may be permitted if there is unobstructed visibility across the entire bridge, and turnouts are provided at both bridge ends. The fire authority may impose more stringent requirements for bridges.

#### 4. Section K104 – Signs and addresses.

a) K104.1 Road signs. All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of the jurisdiction. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Fire Code Official.

b) K104.2 Address for buildings. All buildings shall be issued an address in accordance with jurisdictional requirements. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the

background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance.

5. Section K105 – Water supply.

a) K105.1 Water systems. The provisions of this condition shall apply when new parcels, development, changes in use or intensity are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this Chapter shall be in addition to the domestic demand and shall be permanently and immediately available

b) K105.2 Single parcel fire protection water supply. For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available.

c) K105.3 Fire hydrants and valves. A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Fire Code Official. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

6. Section K106 – Setbacks.

a) K106.1 Setbacks. All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the

road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the Fire Code Official to provide the same practical effect.

7. Section K107 – Vegetation and debris disposal.

a) K107.1 Disposition of vegetation and debris fuels. Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit.

8. Section K108 – Greenbelts.

a) K108.1 Greenbelts. Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the Fire Code Official.

9. Section K109 – Defensible space.

a) K109.1 Standard defensible space requirements. Remove combustible vegetation from within a minimum of 100 feet or to the property line from structures, whichever is closer. Vegetation shall be no taller than four inches (4”) high. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional or alternate fire protection approved by the Fire Code Official may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by the Fire Code Official and other jurisdictional authorities.

10. Section K110 – Fire Protection systems.

a) K110.1 Residential fire sprinkler systems (Standard). The building(s) and attached structure(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California appropriately licensed contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection.

b) K110.2 Residential fire alarm systems. The residence shall be fully protected with an approved household fire warning system as defined by NFPA 72. Plans and specifications for the household fire warning system shall be submitted by a California appropriately licensed contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the California Residential Code shall meet the requirements of the California Residential Code.

S. Appendix “L” Roofs. Appendix “L” is added to the 2010 California Fire Code to read:

1. Section L101 – General.

a) L101.1 Scope. Applications for the construction or remodel of any buildings shall be subject to the roofing conditions of this appendix when conditioned by the Fire Code Official.

b) L101.2 Conflicting Sections. Where provisions in this appendix conflict with other sections of this code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the Fire Code Official.

2. Section L102 – New Buildings.

a) L102.1 General. Roofing requirements for all new buildings shall be a minimum Class “B” roof assembly as defined by the California Building Code.

Exception: Greenhouses shall be exempt from the requirements of this section.

b) L102.2 Very High Hazard Severity Zones. Roofing requirements for all new buildings in Very High Hazard Severity Zones shall be a minimum Class “A” roof assembly as defined by the California Building Code.

c) L102.3 Carmel Valley Fire Protection District or its successor. Roofing requirements for all new buildings within the Carmel Valley Fire Protection District shall be a minimum Class “A” roof assembly as defined by the California Building Code.

d) L102.4 Cypress Fire Protection District and Pebble Beach Community Services District. Roofing requirements for all new buildings within the Cypress Fire Protection District and the Pebble Beach Community Services District shall be a minimum Class “A” roof assembly as defined by the California Building Code.

3. Section L103 – Existing Buildings.

a) L103.1 General. Roofing requirements for existing buildings when fifty percent (50%) or more of the roof area is re-roofed within a one-year period shall be a minimum Class “B” roof assembly as defined by the California Building Code.

b) L103.2 Very High Hazard Severity Zone. Roofing requirements for existing buildings within a very high hazard severity zone when fifty percent (50%) or more of the roof area is re-roofed within a one-year period shall be a minimum Class “A” roof assembly as defined by the California Building Code.

c) L103.3 Carmel Valley Fire Protection District. Roofing requirements for existing buildings within Carmel Valley Fire Protection District when fifty percent (50%) or more of the roof area is re-roofed within a one-year period shall be a minimum Class “A” roof assembly as defined by the California Building Code.

d) L103.4 Cypress Fire Protection District and Pebble Beach Community Services District. Roofing requirements for existing buildings within the Cypress Fire Protection District and the Pebble Beach Community Services District when twenty-five percent (25%) or more of the roof area is re-roofed within a one-year period shall be a minimum Class “A” roof assembly as defined by the California Building Code.

4. Section L104 – Additions to existing buildings.

a) L104.1 General. The requirements of this Appendix shall apply to all additions to existing buildings, except that only the new portions of the roof shall be required to meet the requirements of this appendix.

T. Appendix “M” Special requirements for photovoltaic power generating systems. Appendix “M” is added to the 2010 California Fire Code to read:

1. Section M101 – General.

a) M101.1 Scope. Applications for the installation, additions or remodel of alternative energy system, including but not limited to photovoltaic power generation systems, shall be subject to this appendix when conditioned by the Fire Code Official.

b) M101.2 Conflicting Sections. Where provisions in this appendix conflict with other sections of this code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the Fire Code Official.

2. Section M102 – Signing and marking.

a) M102.1 General. All photovoltaic systems shall be permanently marked as specified in this section.

b) M102.2 Main Panel Exterior Marking. A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 3/4” in height and in a non-serif font, to read “SOLAR DISCONNECT INSIDE PANEL.” The placard shall be constructed of weather-resistant, durable plastic with engraved letters, or other approved material.

c) M102.3 Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8” in height and in a

non-serif font, to read “SOLAR DISCONNECT.” The label shall be constructed of durable adhesive material or other approved material.

d) M102.4 Marking. Marking is required on all interior and exterior direct current (DC) conduits, raceways, enclosures, cable assemblies, and junction boxes.

e) M102.4.1 Marking Locations. Marking shall be placed on all DC conduits, raceways, enclosures, and cable assemblies every ten feet (10’), at turns and above and below penetrations. Marking shall also be placed on all DC combiner and junction boxes.

f) M102.4.2 Marking Content and Format. Marking for DC conduits, raceways, enclosures, cable assemblies and junction boxes shall be red with white lettering with minimum 3/8” capital letters in a non-serif font, to read “WARNING: SOLAR CIRCUIT”. Marking shall be reflective, weather resistant, and suitable for the environment. Materials used should be in compliance with UL Standard 969.

g) M102.5 Secondary Power Sources. Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the Fire Code Official shall be required indicating the location of the secondary power source shutoff switch.

h) M102.6 Installer Information. Signage acceptable to the Fire Code Official indicating the name and emergency telephone number of the installing contractor shall be required to be installed adjacent to the main disconnect.

i) M102.7 Inverters. No markings are required for inverters.

j) M102.8 AC Photovoltaic Systems. AC Photovoltaic Systems shall be marked as specified in this section.

k) M102.8.1 Main Panel Exterior Marking. A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 3/4” in height and in a non-serif font, to read “SOLAR DISCONNECT INSIDE PANEL.” The placard shall be constructed of weather resistant, durable plastic with engraved letters, or other approved material.

l) M102.8.2 Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8” in height and in a non-serif font, to read “SOLAR DISCONNECT.” The label shall be constructed of durable adhesive material or other approved material.

3. Section M103 – Building mounted photovoltaic systems.

a) M103.1 Installation requirements. All building- or roof-mounted photovoltaic systems shall be installed as specified in this section.

b) M103.2 Access, Pathways, and Smoke Ventilation. Access and spacing requirements shall be observed to ensure emergency access to the roof, provide pathways for specific areas of the roof, provide for smoke ventilation opportunity areas, and to provide emergency egress from the roof.

Exceptions: Exceptions to the requirements in this section shall be permitted to be granted by the Fire Code Official where access, pathway or ventilation requirements are reduced due to any of the following circumstances: (1) Proximity and type of adjacent exposures. (2) Alternative access opportunities, as from adjoining roofs. (3) Ground level access to the roof. (4) Adequate ventilation opportunities below solar arrays. (5) Adequate ventilation opportunities afforded by module set back from other rooftop equipment. (6) Automatic ventilation devices. (7) New technologies, methods, or other innovations that ensure adequate fire department access, pathways, and ventilation opportunities.

c) M103.3 Less than 2-in-12 pitch. Designation of ridge, hip, and valley does not apply to roofs with 2-in-12 or less pitch.

d) M103.4 Measurement Conventions. All roof dimensions shall be measured to centerlines.

e) M103.5 Roof Access Points. Roof access points shall be defined as areas where ladders are not placed over openings (windows or doors) and are located at strong points of building construction and in locations where they will not conflict with overhead obstructions (tree limbs, wires, or signs).

f) M103.6 Household Systems (One- and Two-Family Dwellings). Household systems (one- and two-family dwellings) shall comply with Sections M104.6.1 through M104.6.4.

g) M103.6.1. Access and Pathways. On hip roof layouts, modules shall be located in a manner that provides one (1) three foot (3') wide clear access pathway from the eave to the ridge of each roof slope where the modules are located. The access pathway shall be located at a structurally sound location on the building, such as a bearing wall.

Exception: Where adjoining roof planes provide a three foot (3') wide clear access pathway.

h) M103.6.2 Single Ridge Layouts. Modules shall be located in a manner that provides two (2) three-foot (3') wide access pathways from the eave to the ridge on each roof slope where the modules are located.

i) M103.6.3 Hip and Valley Layouts. Modules shall be located no closer than one and one-half feet (1-1/2') to a hip or valley if modules are to be placed on both sides of a hip or valley. Where modules are located on only one side of a hip or valley that is of equal length, the modules shall be permitted to be placed directly adjacent to the hip or valley.

j) M103.6.4 Ridge Setback. The modules shall be located no higher than one and one-half feet (1-1/2') below the ridge.

k) M103.7 Commercial Systems. Commercial Systems shall be defined as all photovoltaic systems installed in any occupancy other than a one and two family dwellings. Commercial systems shall comply with Sections M104.7.1 through M104.7.3.

l) M103.7.1 Alternative Requirements. Where the Fire Code Official determines that the roof configuration is similar to residential (i.e., townhouses, condominiums, or single-family attached buildings) the Fire Code Official shall be permitted to make a determination to apply the requirements under Section M104.6.

m) M103.7.2 Access. There shall be a minimum six feet (6') wide clear perimeter around the edges of the roof.

Exception: If either access to the building is 250' or less, there shall be a minimum four foot (4') wide clear perimeter around the edges of the roof.

n) M103.7.3 Pathways. Pathways shall be established as follows: (1) Pathways shall be over structural members. (2) Centerline axis pathways shall be provided in both axes of the roof. (3) Centerline axis pathways shall run on structural members or over the next closest structural member nearest to the center lines of the roof. (4) Pathways shall be straight line not less than four feet (4') clear to skylights, ventilation hatches, and/or roof standpipes. (5) Pathways shall provide not less than four feet (4') clear around roof access hatches with at least one not less than four foot (4') clear pathway to the parapet or roof edge.

o) M103.8 Smoke Ventilation. Solar arrays shall be no greater than 150 feet by 150 feet in distance in either axis. Ventilator options between array sections shall be: (1) A pathway eight feet (8') or greater in width. (2) A pathway four feet (4') or greater in width and bordering on existing roof skylights or ventilation hatches. (3) A pathway four feet (4') or greater in width and bordering four foot by eight foot (4' X 8) "venting cutouts" every twenty feet (20') on alternating sides of the pathway.

p) M103.9 Location of direct current conductors. Direct current conductors shall be installed in compliance with M104.9.1 through M104.9.4.

q) M103.9.1 Exterior mounted direct current conductors: Exterior mounted Direct Current conduits, wiring systems and raceways for photovoltaic circuits shall be located as close as possible to the ridge, hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.

r) M103.9.2 Conduit runs. Conduit runs between sub-arrays and to direct current combiner boxes shall use design guidelines that minimize the total amount of conduit by taking the shortest path from the array to the direct current combiner box.

s) M103.9.3 Location of combiner boxes. Direct current combiner boxes shall be located so that conduit runs are minimized in the pathways between arrays.

t) M103.9.4 Metallic conduit required. Direct Current wiring shall be run in metallic conduit or raceways when located within enclosed spaces in a building, and shall be run as follows: (1) When run perpendicular or parallel to load bearing members, a minimum ten-inch (10") space below roof decking or sheathing shall be maintained. (2) Where flexible metal conduit (FMC) or metal clad cable (MC) containing PV power circuit conductors is installed across ceilings or floor joists, the raceway or cable shall be protected by guard strips.

#### 4. Section M104 – Ground mounted photovoltaic systems.

a) M104.1 Marking. Marking of conductors and conduit shall be in accordance with Section M102 and M103.

b) M104.2 Setbacks. Special setback requirements do not apply to ground-mounted, freestanding photovoltaic arrays. (The zoning regulations of the jurisdiction regulate setbacks between buildings, accessory structures, possibly including ground-mounted photovoltaic arrays and property lines.)

c) M104.3 Clearances. A clear area of ten feet (10') around ground-mounted photovoltaic installations shall be provided.

d) M104.4 Non-Combustible Base. A gravel base or other non-combustible base, acceptable to the Fire Code Official, shall be installed and maintained under and around all installations.

e) M104.5 Protection. Fencing, skirting, or other suitable security barrier shall be installed when required by the Fire Code Official. (Security barriers are intended to protect individuals and animals from contact with energized conductors or other components.)

f) M104.6 Fire Sprinkler Protection. Fire sprinkler protection is not required for ground-mounted photovoltaic installations.

SECTION 16. Chapter 18.11 is added to the Monterey County Code to read:

### CHAPTER 18.11

#### EXISTING BUILDING CODE

##### Sections:

- |                  |  |
|------------------|--|
| <b>18.11.010</b> | <b>Adoption.</b>                               |
| <b>18.11.020</b> | <b>Applicability of local amendments.</b>      |
| <b>18.11.030</b> | <b>Shear test criteria for mortar quality.</b> |

**18.11.010 Adoption**

That certain document entitled 2010 California Existing Building Code, California Code of Regulations, Title 24, Part 10 as published by the California Building Standards Commission based on Appendix Chapter A1 of the 2009 International Existing Building Code, which is entitled Seismic Strengthening Provisions for Unreinforced Masonry Bearing Walls Buildings, with applicable amendments from the State of California, and the local amendments of this Chapter, are hereby adopted as the Existing Building Code for the County of Monterey.

**18.11.020 Applicability of local amendments.**

Notwithstanding any provisions of the 2010 California Existing Building Code to the contrary, the local amendments set forth in this Chapter shall apply.

**18.11.030 Shear test and acceptance criteria for mortar quality.**

A. Test equipment. An internal caliper, graduated in 0.001 of inch increments shall be used to measure movement of the masonry unit. A hydraulic jack equipped with a pressure gauge graduated in increments of fifty psi or less shall be used. The jack load shall be applied at a rate not exceeding five thousand pounds per minute.

B. Minimum number of technicians and test readings. The test shall be conducted by a minimum of two technicians. Load and displacement readings shall be recorded at the following intervals: caliper reading of 0.001 inch; first visually observed sign of movement or cracking of the mortar or masonry unit; caliper reading of 0.02 inch; and the ultimate load on the unit.

C. Representative test locations. The masonry unit to be tested shall not be located adjacent to a bond course in a brick wall laid in common bond. Tests to evaluate the mortar quality of structural walls shall not be conducted in masonry veneer.

D. Core Tests. A minimum number of mortar test specimens equal to the number of required cores shall be prepared from the cores and tested as specified herein. The mortar joint of the outer wythe of the masonry core shall be tested in shear by placing the circular core section in a compression testing machine with the mortar bed joint rotated fifteen degrees from the axis of the applied load. The mortar joint tested in shear shall have an average ultimate stress of twenty psi based on the gross area. The average shall be obtained from the total number of cores made. If test specimens cannot be made from cores taken, the shear value shall be reported as zero.

E. Low mortar quality. Walls with mortar values which are consistently low and do not meet the minimum quality values specified in this Chapter shall be entirely pointed per Uniform Building Code Standard 21-8 except that the depth of joint penetration shall be one and one-half inch (38 mm) in lieu of the three-fourths inch (19 mm) specified.

SECTION 17. Chapter 18.12 is added to the Monterey County Code to read:

**CHAPTER 18.12**

**GREEN BUILDING STANDARDS CODE**

**Sections:**

- 18.12.010 Adoption.**
- 18.12.020 Definitions.**
- 18.12.030 Incentives for voluntary compliance with CALGreen Tier 1.**

**18.12.040 Incentives for voluntary compliance with CALGreen Tier 2.**

**18.12.010 Adoption.**

That certain document entitled 2010 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11, also known as CALGreen, as published by the California Building Standards Commission, is hereby adopted as the Green Building Standards Code for the County of Monterey.

**18.12.020 Definitions.**

A. Priority Service. Priority service means performing the necessary services as soon as the next available service opening occurs without regard for who is next in the service queue, unless otherwise required by law. Priority service shall include but not be limited to the following:

1. Begin formal staff review of complete submittal documents by the next available County employee or agent as soon as that person completes their current assignment;
2. Inspect all completed and accessible construction at the required stages of construction within one business day of permit holder's request.
3. Issue certificate of occupancy within seven days of completion of all applicable requirements.

**18.12.030 Incentives for voluntary compliance with CALGreen Tier 1.**

A. Incentives. Newly constructed buildings or structures that incorporate additional prerequisite and elective green building measures to meet or exceed the CALGreen Tier 1 threshold shall receive priority service.

**18.12.040 Incentives for voluntary compliance with CALGreen Tier 2.**

A. Incentives. Newly constructed buildings or structures that incorporate additional prerequisite and elective green building measures to meet or exceed the CALGreen Tier 2 threshold shall receive priority service and an incentive rebate to be applied towards construction permit fees as determined by resolution of the Board of Supervisors.

SECTION 18. Chapter 18.13 is added to the Monterey County Code to read:

**CHAPTER 18.13**

**CALIFORNIA REFERENCED STANDARDS CODE**

**Section:**

**18.13.010 Adoption.**

**18.13.010 Adoption.**

That certain document entitled 2010 California Referenced Standards Code, California Code of Regulations, Title 24, Part 12, which includes Appendices 12-8-1A and 12-8-1B as published by the California Building Standards Commission, is hereby adopted as the California Referenced Standards Code for the County of Monterey.

SECTION 19. Chapter 18.14 is added to the Monterey County Code to read:

## CHAPTER 18.14

### PROPERTY MAINTENANCE CODE

#### Sections:

- 18.14.010 Administration.**
- 18.14.020 Definitions.**
- 18.14.030 Enforcement provisions.**
- 18.14.040 General maintenance requirements.**
- 18.14.050 Light, ventilation and occupancy requirements.**
- 18.14.060 Plumbing facilities and fixture requirements.**
- 18.14.070 Mechanical and electrical requirements.**
- 18.14.080 Fire safety requirements.**
- 18.14.090 Violations.**

#### **18.14.010 Administration.**

A. Title. The regulations in this chapter shall be known as the Property Maintenance Code of Monterey County.

B. Scope. The provisions of this chapter shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

C. Intent. This chapter shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

D. Severability. If a section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

E. Resolving conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this chapter and the referenced standards or when in a specific case, different sections of this chapter specify different requirements, the most restrictive shall govern.

F. Maintenance. Equipment, systems, devices and safeguards required by this chapter or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this chapter are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner shall be responsible for the maintenance of buildings, structures, equipment and premises.

G. Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Standards Code as amended by the County of Monterey.

H. Existing remedies. The provisions in this chapter shall not be construed to abolish or impair existing remedies of the County of Monterey or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

I. Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

J. Historic buildings. The provisions of this chapter for existing buildings or structures designated as historic buildings shall also conform to Chapter 18.25 of the Monterey County Code for provisions related to the abatement of dangerous buildings and application of the California Building Standards Code.

K. Referenced codes and standards. The codes and standards referenced in this chapter shall be those that are listed in Chapter 18.02 Administrative Code of the Monterey County Code.

L. Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this chapter, shall be determined by the Building Official. The Building Official may use generally accepted construction standards applicable at the time of original construction for buildings constructed prior to permit requirements or adoption of local building standards. These standards may include editions of model codes published at the time of original construction.

M. Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this chapter.

N. Other laws. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

#### **18.14.020 Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings shown in this chapter.

A. Anchored. Secured in a manner that provides positive connection.

B. Approved. Approved by the Building Official.

C. Basement. That portion of a building which is partly or completely below grade.

D. Bathroom. A room containing plumbing fixtures including a bathtub or shower.

E. Bedroom. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

F. Building Official. The Director of Building Services or any duly authorized representative.

G. Building standards in effect at the time of construction. Standards for construction work that were adopted by the County of Monterey at the time of construction. For existing construction completed prior to the adoption of building standards by the County of Monterey on January 1, 1954, those standards for construction work that were published in model codes and generally accepted in California or required by the State of California at the time of construction.

H. Condemn. To adjudge unfit for occupancy.

I. Construction work. Work to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or perform any grading.

J. Dangerous structure or premises. For the purpose of this chapter, any structure or premises that have any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved Building Code or Fire Code for the County of Monterey as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved Building Code or Fire Code for the County of Monterey, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Building Official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Building Official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

12. Any portion of premises that contains open excavations, exposed sharp objects, falling or drowning hazards, unprotected hazardous materials, exposed raw sewage, excessive trash, overgrown weeds, abandoned or inoperative vehicles, pools or spas without required covers or enclosures or other unsafe conditions that threaten the health and safety of the public.

13. Any portion of premises that contains any existing excavation or embankment or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel.

K. Detached. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

L. Deterioration. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

M. Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

N. Easement. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

O. Electrical facilities. Includes but not limited to electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment, switches, receptacles and fixtures

P. Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Building Official shall require the defects to be corrected to eliminate the hazard.

Q. Equipment support. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

R. Exterior property. The open space on a premises, and on adjoining property under the control of owners or operators of such premises.

S. Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.

T. Guard. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

U. Habitable space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

V. Housekeeping unit. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

W. Imminent danger. A condition which could cause serious or life-threatening injury or death at any time.

X. Infestation. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Y. Inoperable motor vehicle. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Z. Labeled. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

AA. Let for occupancy or let. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

BB. Neglect. The lack of proper maintenance for a building or structure.

CC. Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

DD. Occupant. Any individual living or sleeping in a building, or having possession of a space within a building.

EE. Operable area. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

FF. Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

GG. Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian or trustee of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

HH. Person. An individual, corporation, partnership or any other group acting as a unit.

II. Pest elimination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

JJ. Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons.

KK. Premises. A lot, plot or parcel of land, easement or public way, including any structures thereon.

LL. Public way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

MM. Rooming house. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

NN. Rooming unit. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

OO. Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

PP. Sleeping unit. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units

QQ. Structure. That which is built or constructed or a portion thereof.

RR. Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the Building Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this chapter or the referenced codes and standard or because the location of the structure constitutes a hazard to the occupants of the structure or to the public or the structure contains one or more elements of a substandard building as defined in Section 18.15.030 of the Monterey County Code.

SS. Tenant. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TT. Time of construction. The date an application was submitted for construction work or the date of completion of the construction work when no permit was required.

UU. Toilet room. A room containing a water closet or urinal but not a bathtub or shower.

VV. Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

XX. Workmanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YY. Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this chapter or referenced codes and standards, or was erected, altered or occupied contrary to law.

ZZ. Unsafe conditions. The following conditions shall be deemed unsafe:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Soils that have moved, liquefied, caused a chemical reaction, compressed or expanded so as to cause the collapse of any footing, foundation system or structural element or soils that do not provide adequate bearing capacity for the intended use
8. Concrete or masonry that has deteriorated, deformed, fractured, fissured, spalled, exposed its reinforcement, detached, dislodged or otherwise failed so that it can no longer safely provide support for its intended use.
9. Steel, aluminum or other metal that has deteriorated, corroded, deformed, cracked, fatigued, detached, dislodged or otherwise failed so that it can no longer safely provide support for its intended use.
10. Wood that has deteriorated, deformed, cracked, split, dry-rotted, fatigued, detached, dislodged, been damaged by fire, biotic organisms, insects, rodents and other vermin, been

excessively cut or notched or otherwise failed so that it can no longer safely provide support for its intended use.

11. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

12. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

13. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

14. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

15. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

16. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

17. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

AAA. Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

BBB. Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe conditions or unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

CCC. Yard. An open space on the same lot with a structure.

#### **18.14.030 Enforcement provisions.**

A. Responsibility for enforcement. The Building Official or his or her designee is hereby authorized and directed to enforce the provisions of this chapter. The Building Official shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

B. Means of appeal. Any owner whose interests are adversely affected by any order, decision or determination made by the Building Official pursuant to the provisions of this

chapter may file an appeal to the County Hearing Officer pursuant to Chapter 1.22 of the Monterey County Code. For purposes of this section, owner means any individual, corporation, partnership, firm or any other group acting as a unit having a legal or equitable interest in the property as recorded in the official records of the County Assessor-Recorder, including the guardian or trustee of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**18.14.040 General maintenance requirements.**

A. General. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this chapter. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

B. Exterior property areas. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition including but not limited to the following:

1. Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon except for approved retention areas and reservoirs.

2. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

3. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of four inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Removal of weeds pursuant to this section is subject to compliance with all other laws and regulations including but not limited to the California Coastal Act, and the federal and state Endangered Species Acts.

4. Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

5. Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

6. Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

7. Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled unless such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

8. Defacement of property. The exterior surface of any structure or building on any private or public property shall not be damaged, mutilated or defaced by placing thereon any marking, carving or graffiti.

9. Storage of materials and containers. No materials or any type, or storage containers, shall be kept or stored on the exterior of any premises unless the storage of such materials or containers otherwise complies with all applicable laws and regulations including but not limited to the zoning regulations and California Building Standards Code as adopted and amended by the County of Monterey.

C. Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier as required by its original approved construction or mandatory state law minimum provisions to maintain its effectiveness as a safety barrier.

D. Exterior structure. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare including but not limited to the following:

1. Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

2. Premises identification. Except as otherwise provided in the Chapter 18.10 of the Monterey County Code, buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch unless otherwise approved by the Fire Code Official.

3. Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting all required loading.

4. Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

5. Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

6. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

7. Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

8. Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

9. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

10. Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

11. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

12. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

13. Glazing. All glazing materials shall be maintained free from cracks and holes.

14. Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

15. Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every screen door used for insect control shall have a self-closing device in good working condition unless otherwise approved by the Building Official. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

16. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

17. Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

18. Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

19. Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property against unauthorized entry.

E. Interior structure. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition including but not limited to the following:

1. Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

2. Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

3. Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

4. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

5. Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

6. Storage of materials and containers. No materials of any type, or storage containers, shall be kept or stored on the interior of any premises unless the storage of such materials or containers otherwise complies with all applicable laws and regulations including but not limited to zoning regulations and the California Building Standards Code as amended by the County of Monterey.

F. Rubbish and garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. The owner of every occupied premises shall supply approved covered containers for rubbish and shall be responsible for the removal of rubbish. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises except at approved locations. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

G. Pest elimination. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. The owner of any structure shall be responsible for extermination within the structure.

#### **18.14.050 Light, ventilation and occupancy requirements.**

A. General. The provisions of this section shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with the building standards in effect at the time of construction.

B. Light. Every habitable space shall maintain the required total glazed area for every habitable space. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

C. Ventilation. Every habitable space shall maintain the required operable windows. Every bathroom and toilet room shall maintain the required ventilation by natural or mechanical means. Every room with cooking facilities shall maintain the required ventilation.

D. Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Building Official, endanger the life, health, safety or welfare of the occupants.

E. Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

#### **18.14.060 Plumbing facilities and fixture requirements.**

A. General. The provisions of this section shall govern the minimum conditions and standards for plumbing facilities and plumbing fixtures. The owner of the structure shall provide

and maintain plumbing facilities and plumbing fixtures in compliance with the building standards in effect at the time of construction.

B. Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

C. Toilet rooms. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

D. Plumbing systems and fixtures. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. Plumbing fixtures shall have adequate clearances for usage and cleaning.

E. Water system. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system.

F. Hot and cold water. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water in accordance with the building standards in effect at the time of construction.

G. Contamination. The water supply shall be maintained free from contamination.

H. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

I. Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120 degrees Fahrenheit. A gas-burning water heater shall be located in an approved location with adequate combustion air and an approved combination temperature and pressure-relief valve and relief valve discharge pipe.

J. Sanitary drainage system. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

K. Obstructions, leaks and defects. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

L. Grease interceptors. Grease interceptors shall be maintained and regularly serviced as intended by this chapter and the references codes and standards and the manufacturer's instructions.

M. Storm drainage. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall be maintained and conveyed to an approved location.

#### **18.14.070 Mechanical and electrical requirements.**

A. General. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements.

B. Heating facilities. Heating facilities shall be maintained in structures as required by this section. Except for spaces not normally associated with human comfort, interior spaces intended for human occupancy including but not limited to dwellings shall be provided with

heating facilities capable of maintaining a room temperature of 70 degrees Fahrenheit. Cooking appliances or portable space heaters shall not be used to provide space heating to meet the requirements of this section.

C. Mechanical equipment. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent unless approved. All required clearances to combustible materials shall be maintained. All safety controls for fuel-burning equipment shall be maintained in effective operation. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

D. Electrical facilities. Every occupied building shall be maintained with an electrical system in compliance with the building standards in effect at the time of construction provided it does not create an electrical hazard. Electrical facilities that have been damaged by exposure to water or fire shall be replaced in accordance with the provisions of the California Building Standards Code as amended by the County of Monterey.

E. Elevators, escalators and dumbwaiters. Elevators, dumbwaiters and escalators shall be maintained in compliance with the building standards in effect at their time of construction. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous in an approved location. The inspection and tests shall be performed at not less than the periodic intervals required by the State of California Department of Industrial Relations or their successors.

F. Duct systems. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

#### **18.14.080 Fire safety requirements.**

A. General. The provisions of this section shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided

B. Means of egress. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the building standards in effect at the time of construction. The required width of aisles shall be unobstructed. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the California Building Code.

C. Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the building standards in effect at the time of construction and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the building standards in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

D. Fire-resistance ratings. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. Required opening protection devices shall be maintained in an operative condition. All fire and smoke stop doors

shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

E. Fire protection systems. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the building standards in effect at the time of construction.

#### **18.14.090 Violations.**

A. Prohibited conditions. It shall be unlawful for any owner to create, maintain or permit the continued existence of any dangerous structure or premises, unsafe condition, unsafe equipment, unsafe structure, any structure that is unfit for human occupancy, any substandard building or premises or any unlawful structure or any other hazards as defined in this chapter. Such violations are public nuisances and the owner shall abate or cause to be abated or corrected such conditions either by repair, rehabilitation, demolition or other approved corrective action without delay.

B. Prohibited occupancy. It shall be unlawful for any owner to occupy or permit a person, firm or corporation to occupy any structure or premises condemned and placarded by the Building Official. It shall be unlawful for any person to enter such structure or premises except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

C. Maintaining placards. It shall be unlawful for any owner to deface or remove a condemnation placard without the written approval of the Building Official.

D. Prohibited services. It shall be unlawful for any owner to operate or permit a person, firm or corporation to operate condemned and placarded equipment.

E. Reconnection of utilities. It shall be unlawful for any owner to reconnect or permit a person, firm or corporation to reconnect utilities after having been ordered to be disconnected without the written approval of the Building Official.

F. Following stop work orders. It shall be unlawful for any owner to continue any work after having been served with a stop work order by the Building Official except such work that is necessary to perform to remove a violation or unsafe condition.

G. Maintaining residential services. It shall be unlawful for any owner to cause any service, facility, equipment or utility to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress.

H. Duty to maintain buildings, structures and premises. It shall be unlawful for any owner to fail to maintain any building, structure or premises in conformance with the provisions of this chapter, the building standards that lawfully existed at the time of construction and any minimum maintenance standards established by state or local law since the time of construction.

I. Maintaining exterior surfaces. It shall be unlawful for any owner to willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

J. Unauthorized vehicle storage. It shall be unlawful for any owner to park, keep or store an inoperative or unlicensed motor vehicle on any premises unless such premises are approved for such parking and storage under all applicable laws.

K. Unauthorized vehicle repair. It shall be unlawful for any owner to allow any vehicle to be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled or repaired or painted on any premises unless such work is performed inside a structure or similarly

enclosed area designed and approved for such purposes. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

L. Unauthorized storage of materials. It shall be unlawful for any owner to keep or store any materials or storage on any premises unless such storage is approved under all applicable laws including but not limited to zoning regulations and the California Building Standards Code as amended by the County of Monterey.

M. Failure to correct. It shall be unlawful for any owner to willfully fail to diligently pursue the correction of any violation of this chapter as identified in a notice of violation.

N. Transfer of ownership. It shall be unlawful for the owner of any real property to sell, transfer, mortgage, lease, or otherwise dispose of any real property knowing there is a notice of violation for a violation of this chapter involving that real property until the violations are corrected or until such owner first furnishes the grantee, transferee, mortgagee, or lessee owner with a true copy of any such notice of violation and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of a true copy of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such documents or stating intentions to timely challenge such notice of violation. The transfer of ownership in violation of this Section shall not abrogate the transfer.

SECTION 20. Chapter 18.15 is added to the Monterey County Code to read:

## **CHAPTER 18.15**

### **HOUSING CODE**

#### **Sections:**

- 18.15.010 Adoption.**
- 18.15.020 Enforcement provisions.**
- 18.15.030 Substandard buildings.**
- 18.15.040 Minimum standards for existing buildings.**
- 18.15.050 Tenant relocation provisions for rental housing.**
- 18.15.060 Violations.**

#### **18.15.010 Adoption.**

A. Title. This chapter shall be known as the Housing Code of Monterey County, hereafter referred to as this code.

B. Purpose. This chapter is intended to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within the County of Monterey as provided for in Subchapter 1, Chapter 1, Division 1 of Title 25 of the California Code of Regulations for State Housing Law Regulations.

C. Scope. The provisions of this code shall apply to the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court area, sanitation, maintenance and ventilation of all hotels, motels, apartment houses and dwellings or portions thereof and building and structure accessory thereto.

D. Applicable standards. All work in new and existing buildings and structures regulated by this chapter shall comply with the regulations found in the latest edition of the

California Building Standards Code as amended by the County of Monterey. For existing buildings and structures where no new work is performed, the use, occupancy and maintenance of such building or structure shall conform to those building standards in affect at the time of original construction unless otherwise mandated by state or local law. When the date of original construction precedes the adoption of building standards, the Building Official and Health Officer shall determine the minimum applicable building standards necessary to preserve the health, safety and welfare of the occupants.

E. Conflicting regulations. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of any referenced code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

F. Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law including State Housing Law Regulations.

#### **18.15.020 Enforcement provisions.**

A. Enforcement responsibility. The Building Official and the Health Officer and their duly appointed subordinates, hereafter referred to as the Enforcement Official, are hereby separately and jointly authorized and directed to enforce all of the provisions of this code. The Enforcement Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving or reducing requirements specifically provided for in this code.

B. Abatement procedure. The provisions of Chapter 1.22 of the Monterey County Code are determined to be equivalent to the abatement procedures of Article 6, Subchapter 1, Division 1 of Title 25 of the California Code of Regulations for the enforcement of State Housing Law Regulations and may be used at the option of the Enforcement Official in addition to all other available legal remedies.

C. Investigate violations and issue notices and orders. The Enforcement Official shall investigate violations and issue all necessary notices or orders to ensure compliance with this code and may record any such notice or order with the County Recorder.

D. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the Enforcement Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Enforcement Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Enforcement Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Enforcement Official shall have recourse to the remedies provided by law to secure entry.

E. Evacuation. The Enforcement Official shall be authorized to order the immediate evacuation of any occupied building or property deemed unsafe when such building or property has hazardous conditions that present imminent danger to its occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the Enforcement Official.

F. Summary abatement. Where conditions exist that are deemed hazardous to life and property, the Enforcement Official is authorized to abate summarily such hazardous conditions that are in violation of this code pursuant to the provisions of Section 16.30.020 of the Monterey County Code except that any hearing provided for in that section shall be held by the Hearing Officer pursuant to Chapter 1.22.

G. Authority to disconnect service utilities. The Enforcement Official shall have the authority to authorize disconnection of utility service to the building, structure, premises, equipment or system regulated by this code in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the required approval of the Enforcement Official. The Enforcement Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the Enforcement Official shall notify the owner or occupant of the building, structure or service system in writing, as soon as practical thereafter.

H. Authority to condemn equipment. When any equipment, or portion thereof, regulated by this code has become hazardous to life, health, or property, or when such equipment has been installed without required approvals, the Enforcement Official is authorized to order that the equipment either be removed or restored to a safe or sanitary condition, as appropriate. When equipment or an installation is to be disconnected, the Enforcement Official shall give written notice of the disconnection and causes therefore as soon as practical to the serving utility, owner, and occupant of the building, structure, or premises.

I. Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the Enforcement Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Enforcement Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department.

J. Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Enforcement Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

K. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

L. Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Enforcement Official shall have the authority to require tests as evidence of compliance to be made at no expense to the County of Monterey. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Enforcement Official shall approve the testing procedures. Tests shall be performed by an

approved agency. Reports of such tests shall be retained by the Enforcement Official for the period required for retention of public records.

M. Refusal to issue permits, licenses or approvals. Except for maintenance or emergency repairs, the Enforcement Official may withhold the issuance of any permit, license or other approval under this code when the Enforcement Official determines that reasonable cause exists that a violation of the Monterey County Code exists on the property upon which there is a pending application for such permit, license or approval. The Enforcement Official may withhold the issuance of a permit, license or approval until the applicant provides sufficient evidence to establish that the proposed work or action to be taken will comply with all applicable federal, state and local laws.

N. Means of appeal. Any owner whose interests are adversely affected by any order, decision or determination made by the Building Official pursuant to the provisions of this chapter may file an appeal to the County Hearing Officer pursuant to Chapter 1.22 of the Monterey County Code. For purposes of this section, owner means any individual, corporation, partnership, firm or any other group acting as a unit having a legal or equitable interest in the property as recorded in the official records of the County Assessor-Recorder, including the guardian or trustee of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

O. Liability. The Enforcement Official, while acting for the County of Monterey in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and are hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the Monterey County until the final termination of the proceedings. The Enforcement Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

#### **18.15.030 Substandard buildings.**

Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building.

A. Inadequate sanitation shall include, but not be limited to, the following:

1. Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
2. Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
3. Lack of, or improper kitchen sink.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
6. Lack of adequate heating.
7. Lack of, or improper operation of required ventilating equipment.
8. Lack of minimum amounts of natural light and ventilation required by this code.
9. Room and space dimensions less than required by this code. However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient

existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

10. Lack of required electrical lighting.
11. Dampness of habitable rooms.
12. Infestation of insects, vermin, or rodents as determined by the health officer.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined

by the health officer.

B. Structural hazards shall include, but not be limited to, the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
5. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
6. Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
7. Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
8. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

C. Any nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or is detrimental to health, as determined by the Health Officer.
4. Overcrowding a room with occupants.
5. Insufficient ventilation or illumination.
6. Inadequate or unsanitary sewage or plumbing facilities.
7. Uncleanliness, as determined by the Health Officer.
8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

D. All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

E. All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.

F. All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

G. Faulty weather protection, which shall include, but not be limited to, the following:

1. Deteriorated, crumbling, or loose plaster.

2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

4. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

H. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

I. All materials of construction, except those which are specifically allowed or approved by this code, and which have been adequately maintained in good and safe condition.

J. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions that constitute fire, health, or safety hazards.

K. Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the Property Maintenance Code of the County of Monterey.

L. All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

M. All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

N. All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

O. Inadequate structural resistance to horizontal forces.

P. All buildings not in compliance with mandatory rehabilitation requirements for structural or fire life safety in existing buildings under state or local laws and regulations.

#### **18.15.040 Minimum standards for existing buildings.**

A. Space, occupancy and maintenance. Space and occupancy requirements shall be maintained in accordance with the provisions of the building standards that lawfully existed at the time of construction or with subsequent minimum maintenance standards established by state law or this code for existing buildings and property.

B. Hot water. Hot water, where required, shall be supplied to plumbing fixtures at a temperature of not less than 120 degrees Fahrenheit.

C. Heating. Every dwelling unit and guest room used or offered for rent or lease shall be provided with heating facilities capable of maintaining a minimum room temperature of 70 degrees Fahrenheit at a point three feet above the floor in habitable rooms, and when the heating facilities are not under the control of the tenant or occupant of the building owner and/or manager, shall be required to provide that heat at a minimum temperature of 70 degrees Fahrenheit, 24 hours a day. These facilities shall be installed and maintained in a safe condition and in accordance with the California Building Standards Code as amended by the County of Monterey and other applicable laws. No unvented fuel burning heaters shall be permitted. All heating devices or appliances shall be of the approved type. Existing equipment in buildings

D. Garbage receptacles. An adequate number of appropriate receptacles with close-fitting covers for garbage and rubbish as may be considered necessary by the Enforcement Official shall be provided for the occupant of every dwelling unit by the owner or operator of every structure or building subject to this subchapter. Each receptacle shall be kept in a clean condition and in good repair.

E. Bedding. In every apartment house or hotel subject to this part, held out for rent and furnished with a bed and bedding, every part of every bed, including the mattress, sheets, blankets, and bedding shall be kept in a clean, dry and sanitary condition, free from filth, urine, or other foul matter, and from the infection of lice, bedbugs, or other insects. The bed linen in a hotel shall be changed before a new guest occupies the bed. In every dwelling unit where linen is furnished, the linen shall be changed before a new guest occupies the dwelling unit.

F. Caretaker. A manager, janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments, and of every hotel in which there are 12 or more guest rooms, in the event that the owner of an apartment house or hotel does not reside upon said premises. Only one caretaker would be required for all structures under one ownership and on one contiguous parcel of land. If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating the owner's name and address, or the name and address of the owner's agent in charge of the apartment house, shall be posted in a conspicuous place on the premises.

G. Hotplates. The use of hotplates existing in rooms prior to September 20, 1963, shall be in accordance with the provisions of Section 17921.1 of the Health and Safety Code.

H. Portable fire extinguishers. Portable fire extinguishers shall be provided and maintained in every apartment house and hotel. The number and type of portable fire extinguishers to be installed shall be determined by the Fire Code Official as designated in the Fire Code for the County of Monterey. However, the minimum requirements shall be as set forth in Title 19, Chapter 1, Subchapter 3, California Code of Regulations.

#### **18.15.050 Tenant relocation provisions for rental housing.**

A. Purpose. The intent of this section is to implement the applicable provisions of Article 2.5 of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code related to tenant relocation assistance. This section provides an expedient means by which to provide relocation funds to tenants without limiting the rights available to owners, designated agents, or tenants under any other provision of law. Nothing in this section shall be construed to deprive an owner of procedural due process rights guaranteed by law, including, but not limited to, a right to file a judicial action against an Enforcement Official that has failed to proceed in a manner required by law. The remedies under this section are cumulative and in addition to any other remedies available under federal, state, or local law.

B. General requirements. Any tenant who is displaced or subject to displacement from a residential rental unit as a result of an order to vacate or an order requiring the vacation of a residential unit by the Enforcement Official as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered, shall be entitled to receive relocation benefits from the owner as specified in this section.

C. Enforcement duties. The Enforcement Official who issues the order to vacate shall determine the eligibility of tenants for benefits pursuant to this section and provide either telephonic or written notice to the tenant of his or her entitlement to the benefits. Written notice may be satisfied by posting a written notice on the premises stating that tenants may be entitled to relocation benefits. Any order by the Enforcement Official that requires a tenant's displacement and is issued to an owner, designated agent, or tenant, shall be accompanied by a summary of the provisions of this section. Failure to provide a summary shall not relieve any person of the obligations imposed by this section.

D. Timely payment of relocation benefits. The relocation benefits required by this article shall be paid by the owner or designated agent to the tenant within 10 days after the date that the order to vacate is first mailed to the owner and posted on the premises, or at least 20 days prior to the vacation date set forth in the order to vacate, whichever occurs later. If there are fewer than 10 days between the first posting and mailing of the order to vacate and the vacation date, the relocation benefits shall be paid by the owner or designated agent to the tenant within 24 hours after the notice is posted and mailed. The Enforcement Official who issued the order shall attempt to provide telephonic or written notice to the owner to notify the owner that the benefits are payable immediately. Failure to provide the notice as specified in this section shall not relieve the owner of any obligations imposed by this section.

E. Amount of relocation benefits. The relocation payment shall be made available by the owner or designated agent to the tenant in each residential unit and shall be a sum equal to two months of the established fair market rent for the area as determined by the Department of Housing and Urban Development pursuant to Section 1437(f) of Title 42 of the United States Code. In addition, the relocation payment shall include an amount, as determined by the Enforcement Official, sufficient for utility service deposits. The relocation benefits shall be paid by the owner or designated agent in addition to the return, as required by law, of any security deposits held by the owner. The relocation benefits shall be payable on a per residential unit basis.

F. Penalty for late payment. Any owner or designated agent who does not make timely payment as specified in this section shall be liable to the tenant for an amount equal to one and one half times the relocation benefits payable in this section unless the relocation benefits are payable fewer than 10 days after the date the order to vacate is first mailed and posted on the premises and the owner or designated agent makes the payment no later than 10 days after the order is first mailed and posted.

G. Exemptions for payment.

1. Tenant caused. No relocation benefits pursuant to this section shall be payable to any tenant who has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the Enforcement Official, nor shall any relocation benefits be payable to a tenant if any guest or invitee of the tenant has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the Enforcement Official or Health Officer. The Enforcement Official shall make the determination whether a tenant, tenant's guest, or invitee caused or substantially contributed to the condition, giving rise to the order to vacate at the same time that the order to vacate the tenants is made.

2. Beyond owner's control. An owner or designated agent shall not be liable for relocation benefits if the Enforcement Official determines that the unit or structure became unsafe or hazardous as the result of a fire, flood, earthquake, or other event beyond the control of the owner or the designated agent and the owner or designated agent did not cause or contribute to the condition.

H. Advance of relocation payments. If the owner or designated agent fails, neglects, or refuses to pay required relocation payments to a displaced tenant or a tenant subject to displacement, the Enforcement Official may advance relocation payments as specified in subsection C above. Nothing in this section shall be construed to require the Enforcement Official to pay any relocation benefits to any tenant, or assume any obligation, requirement, or duty of the owner pursuant to this section.

I. Obligation for advanced relocation payments. If the Enforcement Official, pursuant to locally adopted policies, offers to advance relocation payments, the Enforcement Official or Health Officer shall be entitled to recover from the owner any amount paid to a tenant pursuant to this section except as noted herein.

If there are fewer than 10 days between the first posting and mailing of the order to vacate and the vacation date, and if the Enforcement Official advances relocation benefits to any tenants, prior to the expiration of the 10-day period, the owner shall not be required to reimburse the local enforcement agency for a charge identified on the itemized accounting if the owner contests the charge within 30 days after the itemized accounting is mailed to the owner or designated agent.

J. Obligation for penalties and costs. The Enforcement Official shall also be entitled to recover from the owner or designated agent an additional amount equal to the sum of one-half the amount paid for advanced relocation payments, but not to exceed ten thousand dollars (\$10,000), as a penalty for failure to make timely payment to the displaced tenant, and the Enforcement Official's actual costs, including direct and indirect costs, of administering the provision of benefits to the displaced tenant.

K. Collection methods for obligation. The County of Monterey may collect all financial obligations due under the provisions of this section by use of all available legal means, including but not limited to the filing of liens or imposing special assessments on real property in accordance with the provisions of Chapter 1.22 of the Monterey County Code. In addition to its rights to impose said liens and special assessments, the County shall retain the alternative right to recover its costs by way of civil action against the property owner and person in possession of control jointly and severally. Prior to seeking reimbursement, the Enforcement Official shall first explore the potential of using funds from any available federally funded program that provides tenant relocation assistance in cases of local code enforcement activities.

L. Itemized Accounting. When the Enforcement Official elects at their own option pursuant to subsection F to advance relocation payments to displaced tenants when the owner or designated agent fails, neglects, or refuses to pay relocation payments to displaced tenants, shall prior to instituting any action to collect from the owner or designated agent relocation benefits paid pursuant to this section, or to impose a lien therefore, send to the owner or designated agent by first-class mail, postage prepaid, at the owner's address as shown on the last equalized assessment roll, an itemized accounting of all benefits paid by the Enforcement Official to the owner's tenants, and any penalties or costs the Enforcement Official is seeking to recover as authorized pursuant to this section.

M. Appeal to Enforcement Official. If the owner or designated agent contends that not all of the benefits are chargeable to the owner or designated agent because the recipients were not displaced tenants, no benefits were payable pursuant to subsection E, or on other grounds,

the owner or designated agent shall submit a written appeal to the Enforcement Official seeking collection pursuant to subsection G within 20 days after receipt by the owner or designated agent of the itemized accounting. The Enforcement Official, or their designee, shall hold an administrative hearing for the purpose of determining the amount of benefits paid that are chargeable to the owner or designated agent, and any penalties or costs the Enforcement Official may recover pursuant to this section. The owner or designated agent shall pay the charge that was the subject of the appeal within 30 days after an adverse decision by the Enforcement Official on the appeal is mailed to the owner.

N. Administrative appeal process. Pursuant to the provisions of Chapter 1.22 of the Monterey County Code, the County Hearing Officer shall hear any appeal by the owner or designated agent of a decision of the Enforcement Official pursuant to subsection M for the payment of benefits, administrative costs, fines and penalties pursuant to this chapter. The final decision of the County Hearing Officer shall be subject to Section 1094.5 of the Code of Civil Procedure.

O. Payment of appeal costs. If the owner fails to obtain a more favorable decision than that set forth in the itemized accounting, the owner or designated agent shall be liable to the Enforcement Official for the costs of the administrative hearing and appeal, not to exceed five thousand dollars (\$5,000). The failure to receive the itemized accounting shall not relieve the owner of any obligation to the city or county.

**18.15.060 Violations.**

A. Duty to maintain properties and structures. It shall be unlawful for any person, firm or corporation to fail to maintain any building, structure or premises regulated by this code in conformance with the provisions of the building standards that lawfully existed at the time of construction or with subsequent minimum maintenance standards established by state or local law or this chapter for existing buildings and property.

B. Prohibition for substandard buildings. It shall be unlawful for any person, firm or corporation to create, maintain or permit the continued existence of a substandard building as defined in this code.

C. Tenant relocation assistance. It shall be unlawful for any person, firm or corporation to fail to provide tenant relocation assistance as provided for in this chapter.

SECTION 21. Chapter 18.16 is added to the Monterey County Code to read:

**CHAPTER 18.16**

**GRADING**

**Section:**

**18.16.010 Adoption.**

**18.16.010 Adoption.**

A. Adoption. Appendix J of that certain document entitled 2010 California Building Code, California Code of Regulations, Title 24, Part 2, Volume 2 as published by the California Building Standards Commission based on the 2009 International Building Code with applicable amendments from the State of California, is hereby adopted.

SECTION 22. Chapter 18.17 is added to the Monterey County Code to read:

**CHAPTER 18.17**

**EROSION CONTROL (Reserved)**

SECTION 23. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any other part thereof be unconstitutional or invalid.

SECTION 24. CROSS REFERENCE CONFORMITY. The Clerk of the Board of Supervisors, upon the concurrence of the County Counsel, is authorized to make such changes to the other provisions of the Monterey County Code to provide for the accuracy of cross references in the County Code to the chapters and sections amended and added by this Ordinance.

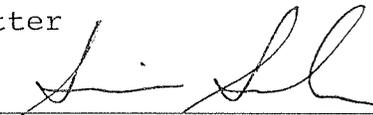
SECTION 25. URGENCY CLAUSE. To ensure that the local amendments of the County of Monterey become effective at the same time of implementation of the new California Building Standards Code on January 1, 2011, the Board of Supervisors finds that this Ordinance is necessary for preserving the public health and safety and the urgency for its adoption is set forth in the findings set forth above. In addition, state law otherwise requires that the provisions of the Building Standards Code be effective no later than January 1, 2011. Therefore, this Ordinance shall be adopted upon its introduction and become effective immediately; however, the provisions of the Monterey County Code amended or added herein shall become effective on January 1, 2011.

**PASSED AND ADOPTED** this 7 day of December, 2010, by the following vote:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker

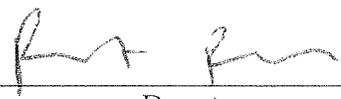
NOES: None

ABSENT: Supervisor Potter

  
\_\_\_\_\_  
Chair, Monterey County Board of Supervisors

ATTEST:

GAIL T. BORKOWSKI  
Clerk of the Board

By   
\_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
  
LEROY W. BLANKENSHIP  
Assistant County Counsel

**STATE OF CALIFORNIA  
COUNTY OF MONTEREY**

I, Gail T. Borkowski, Clerk of the Board of Supervisors, do hereby certify the foregoing to be a full, true and correct copy of the original

Ordinance No. 5170 on file in my office.

Witness my hand and seal of the Board of Supervisors.

This 28 day of December

**GAIL T. BORKOWSKI  
Clerk of the Board of Supervisors**

seal

By: [Signature] Deputy

**Exhibit D**  
**County of Monterey**  
**Express Findings Concerning Local Amendments to the**  
**2010 California Electrical Code**  
**California Code of Regulations Title 24 Part 3**

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| 1. Article 690                | D-2             |

The following pages contain changes or modifications to the 2010 California Electrical Code expressly marked and identified to which each express finding refers. Each express finding shows how these amendments are reasonably necessary due to local climatic, geological or topographic conditions pursuant to sections 17958.7 and 18941.5 of the Health and Safety Code.

**Monterey County Express Findings for Local Amendments to Article 690**

**Underline** = Added text.

*Amend Article 690 - Solar Photovoltaic Systems - by adding the following sub-sections:*

**690.56 Identification of Power Sources.**

**(C) Main Panel Exterior Marking.** A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 3/4” in height and in a non-serif font, to read “SOLAR DISCONNECT INSIDE PANEL.” The placard shall be constructed of weather-resistant, durable plastic with engraved letters, or other approved material.

**(D) Circuit Disconnecting Means Marking.** A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8” in height and in a non-serif font, to read “SOLAR DISCONNECT.” The label shall be constructed of durable adhesive material or other approved material.

**(E) Marking.** Marking is required on all interior and exterior direct current (DC) conduits, raceways, enclosures, cable assemblies, and junction boxes.

**(1) Marking Locations.** Marking shall be placed on all DC conduits, raceways, enclosures, and cable assemblies every ten feet (10’), at turns and above and below penetrations. Marking shall also be placed on all DC combiner and junction boxes.

**(2) Marking Content and Format.** Marking for DC conduits, raceways, enclosures, cable assemblies and junction boxes shall be red with white lettering with minimum 3/8” capital letters in a non-serif font, to read “WARNING: SOLAR CIRCUIT”. Marking shall be reflective, weather resistant, and suitable for the environment. Materials used should be in compliance with UL Standard 969.

**(F) Secondary Power Sources.** Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the fire code official shall be required indicating the location of the secondary power source shutoff switch.

**(G) Installer Information.** Signage acceptable to the fire code official indicating the name and emergency telephone number of the installing contractor shall be required to be installed adjacent to the main disconnect.

**(H) AC Photovoltaic Systems.** AC Photovoltaic Systems shall be marked as specified in this section.

**(1) Main Panel Exterior Marking.** A placard is required to be permanently affixed to the car service disconnect panel. The placard shall be red in color with white capital letters at least 3/4” in height and in a non-serif font, to read “SOLAR DISCONNECT INSIDE PANEL.” The placard shall be constructed of weather resistant, durable plastic with engraved letters, or other approved material.

**(2) Circuit Disconnecting Means Marking.** A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8” in height and in a non-serif font, to read “SOLAR DISCONNECT.” The label shall be constructed of durable adhesive material or other approved material.

**County of Monterey Rationale:**

This local amendment will harmonize proposed amendments concerning photovoltaic power systems in the 2010 California Fire Code with Article 690 of the 2010 California Electrical Code.

**County of Monterey Findings:**

Monterey County finds that these amendments to article 690 of the California Electrical Code meet the requirements outlined in section 18941.5 of the Health and Safety Code concerning local amendments to the California Building Standards Code, in that they support similar local amendments proposed for the California Electrical Code. It is further found that maintaining consistency between adopted model codes is necessary for the efficient application of building regulations.

Local climatic conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. During such flood emergencies, the local fire agency must either use alternate emergency access roads or request the assistance of other fire agencies under the California Mutual Aid System, both of which are likely to result in longer response times to the site of the emergency. During these extended response times, fires and other emergencies may continue unabated for longer periods of time. Once the fire personnel have successfully arrived at the fire scene, the prompt security of the building's utilities is vital to ensure the life safety of the fire personnel, and to remove contributing factors of gas and electricity that can sustain a fire. Buildings that have photovoltaic systems and other alternative energy-producing systems which have not been designed with these specific provisions set forth in Appendix M, are likely to sustain greater damage during fires. Unmitigated spread of fire increases the chance of injury or death for both building occupants and responding fire personnel.

**Exhibit A**  
**County of Monterey**  
**Express Findings Concerning Local Amendments to the**  
**2010 California Fire Code**  
**California Code of Regulations Title 24, Part 9**

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The following pages contain changes or modifications to the 2010 California Fire Code expressly marked and identified to which each express finding refers. Each express finding shows how these amendments are reasonably necessary due to local climatic, geological or topographic conditions pursuant to sections 17958.7 and 18941.5 of the Health and Safety Code.

**Monterey County Express Findings for Local Amendment to Section 101**

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**SECTION 101  
GENERAL**

**101.1 Title.** These regulations shall be known as the *Fire Code* of ~~[NAME OF JURISDICTION]~~ the County of Monterey, hereinafter referred to as “this code.”

**101.2.1 Appendices.** ~~Provisions in the appendices shall not apply unless specifically adopted.~~ Provisions in Appendices A, D, F, J, K, L, and M are hereby adopted in their entirety, and shall apply.

**Monterey County Rationale:**

Appendix A - Board of Appeals

A board of appeals that is separate from the legislative body is needed so that members who are necessarily experts in the subject matter can decide on appealed issues.

Appendix D - Fire Apparatus Access Roads

While not adopted by the State Fire Marshal, this Appendix provides roadway engineering standards and signage specifications not found in Chapter 5 for specific environments such as:

- Commercial and industrial developments,
- Facilities exceeding 30 feet in height
- Large multiple-family residential developments
- Large one- or two-family dwelling residential developments

Appendix F - Hazard Ranking

While not adopted by the State Fire Marshal, this Appendix refers to the nationally recognized standard, NFPA 704 (2007 edition) Identification of Hazardous Materials for Emergency Response. The hazard identification system outlined in NFPA 704 is commonly used and widely accepted throughout the fire service in Monterey County and California as a means of alerting emergency responders to characteristics of hazards that may be present in a building, particularly how these hazards may affect personnel and fire conditions.

Appendix J - Emergency Responder Radio Coverage

This Appendix provides design guidance for emergency responder radio coverage systems in buildings that may otherwise prevent adequate radio signal reception by emergency responders. In the event of conflict between these design specifications and emergency radio equipment protocols adopted by the Monterey County Office of

## Exhibit A-Local Amendment to the 2010 California Fire Code

Emergency Services, the requirements of the Monterey County Office of Emergency services shall prevail.

### **Monterey County Findings:**

Appendix A - No findings required as the Appeals Board provision is included in the body of the code in Section 108 and merely adds administrative detail..

#### Appendix D -

1. Local Climatic Conditions - Monterey County is subject to floods that have historically isolated areas of the county from others, preventing timely, effective emergency response and requiring the use of alternate access roads for the duration of the flood emergency, and requiring durable access roadways during periods of heavy precipitation.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads that have not be durably constructed. Both emergency response and occupant evacuation rely on adequately engineered roads following earthquakes. Additionally, widely varied soils conditions require that roads be constructed with durable surfaces to ensure the safe, effective emergency response and occupant evacuation.

3. Local Topographical Conditions - Monterey County has a wide variety of topographical conditions, ranging from flat valley floor regions to steep mountainous locations. Consistent roadway design among these areas ensures that traditional emergency vehicles are able to safely traverse the roadways without unreasonable delays due to extreme slopes.

4. Local Environmental Conditions - Monterey County has large forested and open brush-land areas that are susceptible to wildfires started by either natural or manmade causes. Such fires require effective access for emergency response as well as safe egress by occupants under potentially hazardous conditions.

#### Appendix F -

1. Local Climatic Conditions - Monterey County is subject to floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. Such periods of inundation have required mutual aid response by fire agencies from all areas of California who are unfamiliar with specific occupancy conditions, thereby requiring uniform hazard identification during response.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically isolated areas of the county from others or have been of a magnitude that required mutual aid response by fire agencies from all areas of California. Response by other fire agencies requires that uniform hazard identification be clearly posted during response when information regarding specific occupancy hazards are not otherwise available.

3. Local Environmental Conditions - Monterey County has large forested and open brush land areas that are susceptible to wildfires started by either natural or manmade causes. Such fires require effective access for emergency response which may be provided under

Exhibit A-Local Amendment to the 2010 California Fire Code

mutual aid from other fire agencies under the California Mutual Aid System. Such response by other fire agencies requires that uniform hazard identification be clearly posted during response when information regarding specific occupancy hazards is not otherwise available.

Appendix J -

1. Local Climatic Conditions - Monterey County is subject to floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. Such periods of inundation have required mutual aid response by other fire agencies under the California Mutual Aid System. These agencies must be able to respond to emergencies and receive radio communications effectively in buildings which may inhibit radio signal reception.
2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically isolated areas of the county from others or have been of a magnitude that required mutual aid response by fire agencies under the California Mutual Aid System. These agencies must be able to respond to emergencies and receive radio communications effectively in buildings which may inhibit radio signal reception.
3. Local Environmental Conditions - Monterey County has large forested and open brush land areas that are susceptible to wildfires started by either natural or manmade causes. Such fires require effective access for emergency response which may be provided by other fire agencies under the California Mutual Aid System. These agencies must be able to respond to emergencies and receive radio communications effectively in buildings which may inhibit radio signal reception.

**Monterey County Express Findings for Local Amendment to Section 102**

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**SECTION 102  
APPLICABILITY**

***Amend sub-section:***

**102.1 Construction and design provisions.** The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when required in Chapter 46.
4. Existing structures, facilities and conditions which, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

5. Existing structures to which additions, alterations or repairs are made that involve the addition, removal or replacement of fifty percent (50%) or greater of the linear length of the walls of the existing building (exterior plus interior) within a five-year period.
6. Existing structures to which additions, alterations or repairs are made that are valued at an amount set forth by resolution, where adopted.

**102.3 Change of use or occupancy.** No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements provisions of this code, ~~and the *International Building Code*. Subject to the approval of the *fire code official*, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the *International Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.~~

**Monterey County Rationale:**

This section is amended to ensure that fire safety provisions are made in buildings that are undergoing significant remodel, additions, or undergoing a change of use or occupancy that would effectively render the building new. Oftentimes, a portion of the original structure must be kept due to other agencies' requirements that prohibit the total replacement of the original structure, but the size or character of the building is significantly changed as a result of the project. This section is intended to provide an objective manner by which to evaluate such significantly changed buildings, uses and occupancies and apply appropriate fire safety provisions.

When buildings undergo a change of occupancy or use, factors such as the occupant or business activities, occupant load, and/or commodity storage differ from those in the original occupancy classification or use. The current fire safety provisions for the new occupancy or use can adequately be addressed with appropriate modifications outlined in the fire code.

**Monterey County Findings:**

1. Local Climatic Conditions - Monterey County is subject to floods that have historically isolated areas of the county from others, preventing timely, effective emergency response during flood emergencies, and requiring additional fire safety provisions to mitigate the possible delay in emergency response for traditional fire suppression capabilities for individual property protection and life safety.
2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically isolated areas of the county from others, preventing timely, effective

emergency response during the aftermath of the earthquake emergency, and requiring additional fire safety provisions to mitigate the possible delay in emergency response for traditional fire suppression capabilities for individual property protection and life safety.

**Monterey County Express Findings for Local Amendment to Section 103**

**Strikethrough** ---- Deleted text.

**Underline** ----- Added text.

**SECTION 103  
DEPARTMENT OF FIRE PREVENTION**

*Add new sub-sections:*

**103.1 Responsibility for enforcement.** Responsibility for enforcement of this code shall be:

1. Within established fire protection districts, and community services districts, responsibility for enforcement of this code shall be under the direction of the Fire Chief within each district.

2. In all other areas of Monterey County outside incorporated cities, organized special districts, or fire districts; responsibility for implementation, administration and enforcement of this code shall be under the direction of the Monterey County building official. For purposes of implementation, administration and enforcement of this code, the building official shall be the *fire code official*.

*Renumber the following sub-sections as noted:*

~~103.1~~ **103.2 General.** The department of fire prevention...

~~103.2~~ **103.3 Appointment.** The *fire code official*...

~~103.3~~ **103.4 Deputies.** In accordance with...

~~103.4~~ **103.5 Liability.** The *fire code official*...

~~103.4.1~~ **103.5.1 Legal defense.** Any suit instigated against...

*Add new sub-section:*

**103.6 Police Powers.** The fire code official and his/her deputies shall have the powers of police officers in performing their duties under this code. When requested to do so by the fire code official, the chief of police of the jurisdiction is authorized to assign such available police officers as necessary to assist the fire code official in enforcing the provisions of this code.

**Monterey County Rationale:**

This section is amended to address the condition within Monterey County whereby comparable fire safety provisions can be made in buildings located in areas both within organized fire protection districts and areas of the county located outside of organized fire protection districts. Historically, fire protection districts and incorporated cities have adopted local ordinances by which fire safety provisions could be utilized to ensure the safety of life and property within their jurisdictions. However, it has become evident that, as a result of continued development in the areas of Monterey County located outside of incorporated cities and fire protection districts, these same fire safety provisions are appropriately applicable due to the extended response or seasonal staffing of the closest fire station.

Additionally, the need has been recognized to grant to the fire code official the ability to effectively enforce the provisions of the code to the fullest extent of the law. Providing such police powers will enhance the fire safety of the community at large when fire code enforcement action is deemed necessary by the fire code official to achieve full compliance.

**Monterey County Findings:**

1. Local Climatic Conditions - Monterey County is subject to floods that have historically isolated areas of the county from others, preventing timely, effective emergency response during flood emergencies. Within the areas located outside of fire protection districts, firefighting resources are widespread, particularly during the months outside of declared wildland fire season. Areas located within fire protection districts face similar challenges when flood emergencies impede access to all areas of the district and greatly limit the traditional fire suppression capabilities. These limitations make it necessary to provide built-in and, in some instances, automatic fire protection measures to reduce the fire and life-safety risk associated with extended fire resource response times.

These climatic conditions make it imperative that the fire code official be afforded appropriate enforcement powers to the fullest extent of the law in order to obtain compliance with the provisions of this code, thereby ensuring the fire safety of the individuals involved and the community at large in the event a flood emergency occurs.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically isolated areas of the county from others, preventing timely, effective emergency response during the aftermath of the earthquake emergency. Within the areas located outside of fire protection districts, firefighting resources are widespread. Areas located within fire protection districts face similar challenges when earthquakes impede access to all areas of the district and greatly limit the traditional fire suppression capabilities. These limitations make it necessary to provide built-in and, in some

instances, automatic fire protection measures to reduce the fire and life-safety risk associated with extended fire resource response times.

These geologic conditions make it imperative that the fire code official be afforded appropriate enforcement powers to the fullest extent of the law in order to obtain compliance with the provisions of this code, thereby ensuring the fire safety of the individuals involved and the community at large in the event an earthquake occurs.

### **Monterey County Express Findings for Local Amendment to Section 105**

**~~Strikethrough~~ ---- Deleted text.**

**Underline ----- Added text.**

## **SECTION 105 PERMITS**

### ***Add new sub-section:***

**105.6.48 Agricultural Explosive Devices. An operational permit is required for storage or use of any agricultural explosive device including “bird bombs”.**

### **Monterey County Rationale:**

Monterey County has many agricultural areas situated next to wildland areas, presenting a challenging juxtapositioning of cultivated crops near areas with abundant bird and other wildlife populations. Agricultural explosive devices have been traditionally used to deter birds and other wildlife from damaging the crops without harming either the wildlife or the crops. These devices present a risk of starting a fire if the device's sparks spread into flammable vegetation areas. In 2009, the Gloria Fire burned 6,437 acres after it was accidentally started by an agricultural explosive device used near a grassy field northeast of the City of Soledad. The fire that resulted was spread by the characteristic afternoon winds of the Salinas Valley and grew to be one of the largest wildland fires in the Salinas Valley in recent history, causing two injuries, and destroying one residence and one outbuilding. Fire suppression costs totalled an estimated \$4 million due to the extended commitment of state and local fire resources.

When used safely, agricultural explosive devices can effectively preserve agricultural crops and safely deter wildlife. This amendment proposes to require a permit for the storage and use of such devices to ensure that they are stored and used safely.

### **Monterey County Findings:**

1. Local Climatic Conditions - Monterey County is subject to microclimatic and frequently changing wind patterns that increase the likelihood of fire spreading in both forested areas and open brushed lands. Additionally, after the rainy season and during

the months from late spring through mid fall, the agricultural areas of Monterey County are most vulnerable to exposure to the tall, dry vegetation.

2. Local Topographic Conditions - Monterey County has agricultural areas which have either steep slopes or limited accessibility that make timely and effective response to incipient wildland fires difficult.

**Monterey County Express Findings for Local Amendment to Section 109**

**Strikethrough** ---- Deleted text.

**Underline** ----- Added text.

**SECTION 109  
VIOLATIONS**

*Amend sub-section:*

**109.3 Violation penalties.** *Persons* who shall violate a any provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *Fire Code Official*, or of a permit or certificate used under provisions of this code, shall be guilty of a ~~(SPECIFY OFFENSE)~~ misdemeanor, punishable by a fine of not more than ~~(AMOUNT)~~ one thousand (\$1,000.00) dollars or by imprisonment not exceeding ~~(NUMBER OF DAYS)~~, six months or both such fine and imprisonment unless the District Attorney files a complaint charging the offense as an infraction or the Fire Code Official issues a citation charging the offense as an infraction. Any person convicted of an infraction under the provisions of this code, unless provision is otherwise made in this code, shall be punishable upon a first conviction of a fine of not more than two hundred fifty dollars (\$250.00), and for a second conviction within a period of one year by a fine of not more than five hundred dollars (\$500.00), and for a third or any subsequent conviction within a period of one year by a fine of not more than one thousand dollars (\$1,000.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Monterey County Rationale:**

This section of the California Fire Code requires that the penalties of violations be set in accordance with the laws of the local jurisdiction. This amendment mirrors the requirements as stated for the enforcement of the Monterey County Code in section 1.20.040, which is applicable.

**Monterey County Findings:**

This amendment is administratively necessary to clarify local laws for enforcement.

**Monterey County Express Findings for Local Amendment to Section 111**

~~Strikethrough~~ ---- Deleted text.

Underline ----- Added text.

**SECTION 111  
STOP WORK ORDERS**

*Amend sub-section:*

**111.4 Failure to comply.** Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, ~~shall be liable to a fine of not less than (AMOUNT) dollars or more than (AMOUNT) dollars.~~ shall be guilty of a misdemeanor or infraction as specified in Section 109.3 of this code.

**Monterey County Rationale:**

This section of the California Fire Code requires that the penalties of violations be set in accordance with the laws of the local jurisdiction. This amendment mirrors the requirements as stated for the enforcement of the Monterey County Code in section 1.20.040, which is applicable.

**Monterey County Findings:**

This amendment is administratively necessary to clarify local laws for enforcement.

**Monterey County Express Findings for Local Amendment to Section 202**

~~Strikethrough~~ ---- Deleted text.

Underline ----- Added text.

**SECTION 202  
GENERAL DEFINITIONS**

*Add new definitions:*

**ALL WEATHER SURFACE.** A road surface constructed to the minimum standards adopted by this jurisdiction.

**BRIDGE.** A structure to carry a roadway over a depression or obstacle.

**IDLE PALLET.** A pallet or similar product storage and/or lifting device not currently in use and empty of product.

**Monterey County Rationale:**

The definitions proposed are ones that are not specifically included in the California Fire Code. They relate to conditions regarding emergency access roads in Chapter 5 and Appendix K, as well as pallet storage requirements proposed for Chapter 3.

**Monterey County Findings:**

1. Local Climatic Conditions - Monterey County is subject to floods that have historically isolated areas of the county from others, preventing timely, effective emergency response during flood emergencies. Within the areas located outside of fire protection districts, firefighting resources are widespread, particularly during the months outside of declared wildland fire season. Areas located within fire protection districts face similar challenges when flood emergencies impede access to all areas of the district and greatly limit the traditional fire suppression capabilities, particularly in facilities that store idle pallets. These definitions are necessary to provide both necessary emergency access and the provisions for the safe storage of pallets.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically isolated areas of the county from others, preventing timely, effective emergency response during the aftermath of the earthquake emergency. Within the areas located outside of fire protection districts, firefighting resources are widespread. Areas located within fire protection districts face similar challenges when earthquakes impede access to all areas of the district and greatly limit the traditional fire suppression capabilities. These definitions are necessary to provide both necessary emergency access and the provisions for the safe storage of pallets.

**Monterey County Express Findings for Local Amendment to Section 318**

**Strikethrough** ---- Deleted text.

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*Add new section and table:*

**SECTION 318**  
**STORAGE OF IDLE PALLETS**

**318.1 General.** The requirements of this section apply to all pallets, whether wood or plastic.

**318.2 Storage of idle pallets.** Storage of idle pallets shall be as follows:

1. Idle pallets shall be stored outside, except as permitted by Section 318.2(2) of this code.

Exhibit A-Local Amendment to the 2010 California Fire Code

2. Idle pallets shall be permitted to be stored in a building if the building is sprinklered in accordance with NFPA 13.

3. Idle pallets stored outside shall be stored in accordance with Section 318.3 of this code.

**318.3 Physical characteristics of outside storage.** Outside storage of pallets shall be arranged as follows:

1. Idle pallet stacks shall not exceed twenty feet (20') in height.

2. Idle pallet stacks shall not cover an area of greater than 400 square feet, except as approved by the Fire Code Official.

3. Idle pallet stacks shall be arranged to form stable piles.

4. A distance of not less than twenty-five feet (25') shall separate stacks.

5. Stacks shall be no closer than twenty-five feet (25') to any property line.

6. Stacks shall be no closer than twenty-five feet (25') to any other yard storage.

7. Stacks shall be no closer than the distances shown in Table 318.3 to buildings.

**TABLE 318.3**  
**REQUIRED CLEARANCES BETWEEN OUTSIDE IDLE PALLET STORAGE**  
**AND BUILDINGS**

| <u>Wall Construction</u>  | <u>Under 50</u>        | <u>51-200 Pallets</u>  | <u>Over 200</u> |
|---|------------------------|------------------------|-----------------|
|   | <u>Pallets</u>         |                        | <u>Pallets</u>  |
| <u>Masonry with no openings</u>   | <u>No restrictions</u> | <u>No restrictions</u> | <u>15 feet</u>  |
| <u>Masonry with wired glass in openings, outside sprinklers, and one-hour doors</u> | <u>No restrictions</u> | <u>10 feet</u>         | <u>20 feet</u>  |
| <u>Masonry with wired or plain glass, outside sprinklers, and ¾ hour doors</u>      | <u>10 feet</u>         | <u>20 feet</u>         | <u>30 feet</u>  |
| <u>Wood or metal with outside sprinklers</u>  | <u>10 feet</u>         | <u>20 feet</u>         | <u>30 feet</u>  |
| <u>Wood, metal, or other</u>  | <u>20 feet</u>         | <u>30 feet</u>         | <u>50 feet</u>  |

**Monterey County Rationale:**

Monterey County has a combination of businesses that depend on the use of pallets in their activities. In addition to general storage and merchantile-related enterprises, the County has an enormous agricultural industry which includes businesses that conduct and support the full process of crop production, from seed and fertilizer supply, on into planting and harvesting, and ending in processing, storage and shipment. As a result of

these specific processes, businesses associated with the agricultural industry must be able to store and transport efficiently, and they will often use wood or plastic pallets to package their supplies or commodities in forklift-ready units. With the ebbs and flows of seasonal production and transportation, agricultural businesses and their suppliers find it necessary to maintain a stockpile of both wooden and plastic pallets, known as "idle" pallets, so they may be quickly dispatched when the need arises.

In order to achieve fire safety for the activities and equipment associated with the agricultural industry, oftentimes fire officials must embrace specialized fire protection approaches that may be unique to this industry or utilize other more common approaches that are adapted to address the conditions surrounding the environment where agriculture-based businesses are set. The storage of idle pallets is a combination of activity and equipment that does not necessarily fit the standard practices in other businesses and does not precisely fit the fire-safety provisions found in the California Fire Code as it is published. Pallets themselves have more surface area making them prone to rapidly spreading fire once a fire is started among them. Several fires have occurred in idle pallet-storage areas within Monterey County in recent decades, requiring extended response by fire agency resources from throughout the county, requiring significant consumption of water supply from hydrants, and resulting in significant fire losses to inventory, nearby structures, business equipment, and fire equipment. The philosophy of both the agri-business entities and their insurance companies, historically, has been to preserve the business's ability to continue business by preventing or at least diminishing the effect of pallet fires on the structures that keep the business in operation. The concentrated storage of pallets is required to a certain degree in order to maintain efficient dispatching and economical storage by the agricultural businesses.

These proposed amendments address the conditions that exist in Monterey County's agricultural industry. Adapting the provisions found in the nationally recognized standard published by the National Fire Protection Association (NFPA), address the pallet pile height, spacing and distances in order to maintain a level of fire safety while keeping the functionality of the business intact.

**Monterey County Findings:**

1. Local Climatic Conditions - Many areas of Monterey County, particularly the Salinas Valley, Pajaro Valley and zones adjacent to these valleys, are subject to microclimatic and frequently changing wind patterns that increase the likelihood of fire spreading both in outdoor storage areas where outdoor idle pallet storage occurs and towards neighboring properties when burning embers are spread by the prevailing winds.

**Monterey County Express Findings for Local Amendment to Section 503**

**Strikethrough** ---- Deleted text.

**Underline** ----- Added text.

**SECTION 503  
FIRE APPARATUS ACCESS ROADS**

*Add new sub-sections:*

**503.2.6.1 Private bridge engineering.** Every private bridge hereafter constructed shall meet the following engineering requirements:

1. The weight shall be designed for a minimum of HS20-44 loading as prescribed by the AASHTO.
2. The unobstructed vertical clearance shall be not less than 15 feet clear.
3. The width shall be a minimum of 20 feet clear. The fire code official may require additional width when the traffic flow may be restricted or reduce the width to a minimum of 12 feet for Occupancy Group U or R-3 occupancies.
4. The maximum grade change of the approach to and from any private bridge shall not exceed 8% for a minimum distance of 10 feet.

**503.2.6.2 Private bridge certification.** Every private bridge hereafter constructed shall be engineered by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. Certification that the bridge complies with the design standards required by this code and the identified standards, and that the bridge was constructed to those standards, shall be provided by the licensed engineer, in writing, to the fire code official. Every private bridge, including existing and those constructed under this code, shall be certified as to its maximum load limits every ten (10) years or whenever deemed necessary by the fire code official. Such recertification shall be by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. All fees charged for the purpose of certification or recertification of private bridges shall be at the owner's expense.

*Amend sub-section:*

**503.2.7 Grade.** The grade of the fire apparatus access road shall be ~~within the limits established by the fire code official based on the fire department's~~

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~~apparatus. no greater than 15% unless specifically approved by the fire code official.~~

*Add new sub-sections:*

**503.2.7.1 Paving.** All fire apparatus access roads over eight percent (8%) shall be paved with a minimum 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base. All fire apparatus access roads over fifteen percent (15%) where approved shall be paved with perpendicularly grooved concrete.

**503.7 Fire apparatus access roads.** All fire apparatus access road names shall be issued by the Monterey County Resource Agency, Public Works Department.

**Monterey County Rationale:**

503.2.6.1 & 503.2.6.2 - Standards for private bridges have been proposed in these amendments in order to ensure safe passage of emergency vehicles across waterways, ravines and other topographical features on the way to the scenes of emergencies in areas throughout Monterey County. In 1995, 1997 and 1998, Monterey County experienced catastrophic flooding events that caused waterways to swell beyond their banks and bridges to be shifted and inundated by the flood waters. After the recession of the flood waters, fire agency personnel discovered that bridges were no longer safe to use, and that a standard was not readily available to convey to property owners who were required to repair the bridges and identify the bridges' load limits for subsequent emergency response. The Monterey County Public Works Department utilized highway bridge standards, but those did not necessarily translate easily to private bridges.

503.2.7 - This section specifies the maximum percentage of slope for fire access roads located within Monterey County in order to safely provide access for the specific types of fire agency vehicles utilized in Monterey County. The most common fire vehicle used on roadways is the Type I vehicle, which does not commonly have all-wheel driving capabilities and, therefore, is less capable of safely traversing roads with ordinary paved surfaces with slopes that greatly exceed 15 percent. The California Fire Code already includes provisions for the fire code official to specify maximum grades for the equipment used within his/her jurisdiction, and this amendment is proposed to ensure relatively consistent application of the requirement.

503.7 - This section correlates the system already in place for the naming of roads in Monterey County by the Monterey County Public Works Department in order to provide consistency and prevent repetition of street names in nearby jurisdictions. A centralized road naming system minimizes the risk of dispatching the wrong fire agency to an emergency due to confusing or duplicate road naming occurrences.

**Monterey County Findings:**

1. Local Climatic Conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response and requiring during the duration of the flood emergency, and requiring durable access roadways and bridges during periods of heavy precipitation. These flood conditions cause damage to roads and bridges that have not been designed pursuant to the standards required for the support of emergency vehicles.
2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads and bridges that have not be durably constructed. Both emergency response and occupant evacuation rely on adequately engineered roads and bridges following earthquakes. Additionally, widely varied soils conditions require that roads and bridges be constructed with durable surfaces to ensure the safe, effective emergency response and occupant evacuation.
3. Local Topographical Conditions - Monterey County has a wide variety of topographical conditions, ranging from flat valley floor regions to steep mountainous locations. Consistent roadway and bridge design among these areas ensures that traditional emergency vehicles are able to safely traverse the roadways and bridges without unreasonable delays due to extreme slopes.

**Monterey County Express Findings for Local Amendment to Section 506**

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**SECTION 506  
KEY BOXES**

***Amend sub-section:***

**506.1 Where required.** Where access to our within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the *fire code official* is authorized to require a key box or other approved emergency access device to be installed in an approved location. The key box or other approved emergency access device shall be of an *approved* type and shall contain keys or other information to gain necessary access as required by the *fire code official*.

**Monterey County Rationale:**

Site security has become a frequent concern among property owners worldwide. Within Monterey County, privacy gates are commonly added to facility perimeters to increase security at both residential, commercial and institutional facilities. At times when traffic, topography, and weather already add minutes to a fire agency's emergency response, the

addition of privacy gates further extends the fire agency's time needed to begin mitigating the emergency. Not only are fires at risk of significantly growing during these responses, but lives are at stake during medical emergencies when response times have been extended.

Throughout Monterey County, common systems of rapid emergency response devices have been adopted by fire agencies for over 20 years. These systems include not only key boxes specified in the California Fire Code, but also padlocks and keyswitches to circumvent the traditional locking devices at the facility entry points safely without causing damage to the doors or gates. This amendment proposes to include other devices besides key boxes as devices that may be required at residential, commercial and institutional facilities in Monterey County.

**Monterey County Findings:**

1. Local Climatic Conditions - Monterey County is subject to localized and regional floods that have historically required use of alternate access routes or have even entirely isolated areas of the county from others. Such alteration of response routes during floods cause increased response times for emergency responders for the duration of the flood emergency. The lack of established rapid entry systems at facility gates and doors further delays emergency response.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads serving as emergency response routes. When roads have been damaged by earthquakes, fire agency response times are extended because roads are impassible or must be driven at much slower speeds. The lack of established rapid entry systems at facility gates and doors further delays emergency response.

3. Local Topographical Conditions - Monterey County has a wide variety of topographical conditions, ranging from flat valley floor regions to steep mountainous locations. Emergency access roads with steeper slopes result in extended response times by fire agency resources. The lack of established rapid entry systems at facility gates and doors further delays emergency response.

**Monterey County Express Findings for Local Amendment to Section 507**

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Underline ----- Added text.

**SECTION 507  
FIRE PROTECTION WATER SUPPLIES**

***Amend sub-section:***

**507.5.2 Inspection, testing and maintenance.** Fire hydrant systems shall be subject to periodic tests as required by the *fire code official*. Fire hydrant systems

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shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, *alterations* and servicing shall comply with *approved* standards. When required by the fire code official, hydrants shall be painted in accordance with the most current edition of NFPA 291.

### **Monterey County Rationale:**

Within Monterey County, fire agencies have found it necessary to identify the capabilities of fire hydrants so that firefighters can easily recognize the fire hydrants' capabilities when they are used for fire suppression operations. This amendment proposed to adopt the color coding system designed by the National Fire Protection Association's nationally recognized standard, NFPA 291. This standard sets forth a widely known system which recommends a standardized primary color to be painted on the hydrant's outlet cap, representing the water volume available at the hydrant. The hydrant's water volume, or fire flow, is expressed in gallons per minute.

Throughout the County, fire flows vary from one hydrant to the next, and the advanced notice of these color coded hydrant markings gives fire suppression personnel the opportunity to regulate the fire engine pump settings efficiently during the most critical initial attack period of fire suppression activities. An additional benefit of using this system is that fire agencies who respond to fires in other jurisdictions under the California Mutual Aid System will be given valuable local knowledge about the hydrants that they may not otherwise be given, particularly if the local fire agency is committed to another emergency.

### **Monterey County Findings:**

1. Local Climatic Conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response. During such flood emergencies, it has been necessary to obtain the assistance of other fire agencies for emergency response under the California Mutual Aid System. Fire suppression response by other fire agencies may be unnecessarily delayed by the lack of clear fire hydrant markings, thereby increasing the risk of additional building fire damage and firefighter and occupant injury.
2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads normally used for emergency access and caused areas of the county to be isolated from others. During such earthquake emergencies, it has been necessary to obtain assistance from other fire agencies for emergency response under the California Mutual Aid System. Fire suppression response by other fire agencies would be unnecessarily delayed by the lack of clear fire hydrant markings, thereby increasing the risk of additional building fire damage and firefighter and occupant injury.
3. Local Topographical Conditions - Monterey County has a wide variety of topographical conditions, ranging from flat valley floor regions to steep mountainous locations. Such variations in elevation in areas with fire hydrants cause variations in

fireflow pressure and volume within the county's numerous separate water systems. Timely response by fire personnel can be unnecessarily delayed because of the lack of clear fire hydrant markings, thereby increasing the risk of additional building fire damage and firefighter and occupant injury.

**Monterey County Express Findings for Local Amendment to Section 603**

**Strikethrough** ---- Deleted text.

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**SECTION 603  
FUEL-FIRED APPLIANCES**

*Add new sub-section:*

603.6.6 Spark arresters. An approved spark arrester shall be installed on all chimneys, incinerators, smokestacks or similar devices for conveying smoke or hot gases to the outer air.

**Monterey County Rationale:**

Monterey County has large areas that are located in or adjacent to open grasslands or forested, mountainous regions. Any small spark emitted from heat or flame producing appliances can be carried to the building's own rooftop, to neighboring roofs or to combustible vegetation. Spark arresters are simple, inexpensive devices normally required by appliance manufacturer's recommendations. This amendment proposes to require spark arresters on all such devices to prevent the accidental spread of fire.

**Monterey County Findings:**

1. Local climatic conditions - Monterey County is subject to wind patterns that occur regularly in the Salinas Valley, Pajaro Valley, and within adjacent areas. These wind patterns have historically contributed to the spread of burning embers onto buildings' roofs and open brush or forested areas when fires occurred even as much as a mile away. The lack of spark arresters on chimneys, incinerators, smokestacks or similar devices outlined in the amendment proposed in Section 603 would significantly increase the risk of the spread of fire.

**Monterey County Express Findings for Local Amendment to Section 901**

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**SECTION 901  
GENERAL**

***Add new sub-section:***

**901.1.1 Responsibility.** The owner of the protected premises shall be responsible for all fire protection systems within the protected premises, whether existing or installed under this code.

***Amend sub-section:***

**901.4 Installation.** *Fire protection systems shall be maintained in accordance with the original installation standards for that system. ~~Required~~ All systems shall be extended, altered or augmented as necessary to maintain and continue protection wherever the building is altered, remodeled or added to. Alterations to fire protection systems shall be done in accordance with applicable standards.*

***Add new sub-sections:***

**901.4.5 Non-operational equipment.** Any fire protection equipment that is no longer in service shall be removed.

**901.6.3 Qualifications of Inspection, Testing and Maintenance Personnel.** All personnel performing any inspection, testing or maintenance of any fire protection system shall be qualified. Where such inspection, testing and maintenance is performed by an outside service company, the company shall be appropriately licensed in accordance with the California Business & Professions Code or by the California State Fire Marshal.

**Monterey County Rationale:**

Section 901.4.5 is proposed require the removal of all non-operational fire protection equipment with the intent similar to that expressed in NFPA 72, National Fire Alarm Code. Currently, fire protection devices that are part of systems other than fire alarm systems are not required to be removed. This tendency for non-operational fire equipment, such as abandoned fire sprinkler piping and control valves, particularly in large existing occupancies, presents a hazard to both building occupants and fire personnel in the event of a fire. Fire personnel are trained to utilize fire protection system appurtenances to maximize the use of the fire protection systems. In the event non-operational fire protection equipment has been abandoned in place, the time wasted during attempted use of that equipment would delay the use of the operational equipment, thereby increasing the potential for additional injuries and/or property damage.

Section 901.6.3 is proposed to confirm that personnel conducting inspection, testing and maintenance of fire protection systems appropriately qualified and/or licensed in accordance with California state law. The amendment does not propose different requirements from what is already established in state law, but intends to clarify what professionals are permitted to conduct this work.

**Monterey County Findings:**

1. Local climatic conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response. These flood conditions require that assistance be obtained from other fire agencies under the California Mutual Aid System. In the event the non-local fire agency responds to such facilities and are not familiar with the operational status of non-operational fire protection equipment left in place, personnel and occupants are at risk of injury and property is at risk of additional damage because of the delay caused by the attempted use of the non-operational equipment.

Additionally, the fire service of Monterey County depends on the proper functioning of all fire protection systems and appurtenances during fire emergencies. Failed inspection, testing and maintenance practices contributes to extended response times already extended during flood emergencies, thereby increasing the risk of further property damage, and increasing the risk of firefighter and occupant injury.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads that have would normally be used for emergency response. These earthquake emergencies require that assistance be obtained from other fire agencies under the California Mutual Aid System when areas of the county are inaccessible by the local fire agencies. In the event the non-local fire agency responds to such facilities and are not familiar with the operational status of non-operational fire protection equipment left in place, personnel and occupants are at risk of injury, and property is at risk of additional damage because of the delay caused by the attempted use of the non-operational equipment.

Additionally, the fire service of Monterey County depends on the proper functioning of all fire protection systems and appurtenances during fire emergencies. Failed inspection, testing and maintenance practices contributes to extended response times already extended during earthquake emergencies, thereby increasing the risk of further property damage, and increasing the risk of firefighter and occupant injury.

**Monterey County Express Findings for Local Amendment to Section 903**

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Underline ----- Added text.

**SECTION 903  
AUTOMATIC SPRINKLER SYSTEMS**

*Amend sub-sections:*

**903.2 Where required.** *Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction*

shall be provided in the locations, including but not limited to those described in Sections 903.2.1 through ~~903.2.12~~ 903.2.18.

**Exceptions:**

1. Structures not classified as Group H or R occupancies that are not more than 500 square feet in total floor area.
2. Detached non-commercial *agricultural buildings*, as defined by this code and classified as Group U occupancies, located at least one hundred feet (100') from any other structure or property lines, and not greater than 500 square feet in total floor area.
3. Accessory structures associated with existing non-sprinklered R-3 occupancies (one or two family dwellings) and less than 1500 square feet in total fire area.
4. Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the fire code official permits alternate protection.

**903.2.1.1 Group A-1.** An *automatic sprinkler system* shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The *fire area* exceeds ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~).
2. The *fire area* has an *occupancy load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.
4. The *fire area* contains a *multitheater complex*.

**903.2.1.2 Group A-2.** An *automatic sprinkler system* shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The *fire area* exceeds ~~5,000~~ 500 square feet (~~464m<sup>2</sup>~~).
2. The *fire area* has an occupant load of 100 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.
4. *The structure exceeds 5,000 500 square feet (465m<sup>2</sup>), contains more than one fire area containing a Group A-2 occupancy, and is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.*

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**903.2.1.3 Group A-3.** An *automatic sprinkler system* shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The *fire area* exceeds ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~).
2. The *fire area* has an occupant load of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.
4. The *structure* exceeds ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~), contains more than one *fire area* containing exhibition and display rooms, and is separated into two or more buildings by *fire wells* of less than four hour *fire resistance rating* without openings.

**903.2.1.4 Group A-4.** An *automatic sprinkler system* shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The *fire area* exceeds ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~).
2. The *fire area* has an occupant load of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

**903.2.1.5 Group A-5.** An *automatic sprinkler system* shall be provided for Group A-5 occupancies in the following areas: concession stands, retail areas, press boxes and other accessory use areas in excess of ~~1,000~~ 500 square feet (~~93m<sup>2</sup>~~).

**903.2.3 Group E.** *Except as provided for in Section 903.2.3.1* for a new public school campus an *automatic sprinkler system* shall be provided for Group E occupancies as follows:

1. Throughout all Group E *fire areas* greater than ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~) in area.
2. Throughout every portion of educational buildings below the lowest *level of exit discharge* serving that portion of the building.

**Exception:** ~~An *automatic sprinkler system* is not required in any area below the lowest *level of exit discharge* serving that area where every classroom throughout the building has at least one exterior exit door at ground level.~~

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3. *In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.*
4. *Throughout any Group E structure greater than ~~12,000~~ 500 square feet (~~1115~~  $m^2$ ) in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.*

**903.2.4 Group F-1.** An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 *fire area* exceeds ~~12,000~~ 500 square feet (~~1115~~  $m^2$ ).
2. A Group F-1 *fire area* is located more than three stories above grade plane.
3. ~~The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230~~  $m^2$ ).

**903.2.4.1 Woodworking operations.** An *automatic sprinkler* system shall be provided throughout all Group F-1 occupancy *fire areas* that contain woodworking operations in excess of ~~2,500~~ 500 square feet in area (~~232~~  $m^2$ ) which generate finely divided combustible waste or which use finely divided combustible materials. [SFM] *A fire wall of less than four-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separated fire areas.*

**903.2.7 Group M.** An *automatic sprinkler* system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds ~~12,000~~ 500 square feet (~~1115~~  $m^2$ ).
2. A Group M *fire area* is located more than three stories above grade plane.
3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds ~~24,000~~ 500 square feet (~~2230~~  $m^2$ ).
4. A Group M occupancy is used for the display and sale of upholstered furniture.
5. *The structure exceeds 24,000 500 square feet (2230*  $m^2$ ), contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating.

**903.2.8 Group R.** An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*, including but not limited to, one- and two-family dwellings, town-homes, and manufactured homes and mobile homes located outside of licensed mobile home parks hereafter constructed, moved into or relocated within the jurisdiction, including all additions to buildings already equipped with automatic fire sprinkler systems.

**Exceptions:**

1. *Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor, and not housing clients above the second floor.*
2. *Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3 of the California Building Code.*
3. *Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.*
4. *Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).*

*When not used in accordance with Section 504.2 or 506.3 of the California Building Code an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.*

*An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.*

**903.2.9 Group S-1.** An *automatic sprinkler system* shall be provided throughout buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds ~~12,000~~ 500 square feet (~~1115~~ $m^2$ ).
2. A Group S-1 *fire area* is located more than three stories above grade plane.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds ~~24,000~~ 500 square feet (~~2230~~ $m^2$ ).

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4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds ~~5,000~~ 500 square feet (~~464m<sup>2</sup>~~).

**903.2.9.2 Bulk storage of tires.** Buildings and structures where the area for the storage of tires exceeds ~~20,000 cubic feet (566m<sup>2</sup>)~~ 500 square feet shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.

**903.2.10 Group S-2 enclosed parking garages.** An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the California Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~); or
2. Where the enclosed parking garage is located beneath other groups.

**903.2.10.1 Commercial parking garages.** An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the fire area exceeds ~~5,000~~ 500 square feet (~~464m<sup>2</sup>~~).

**903.3 Installation requirements.** *Automatic sprinkler systems* shall be designed and installed in accordance with Sections 903.3.1 through ~~903.3.7~~ 903.3.9.

**903.3.1.3 NFPA 13D sprinkler systems.** Where allowed *Aautomatic sprinkler systems* installed in one- and two-family *dwelling and townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D.

**903.3.1.3.1 Leak testing.** All fire sprinkler systems installed in one- and two-family dwellings shall be tested for leakage by undergoing a hydrostatic test made at 200 psi for a two-hour duration.

**903.3.1.3.2 Indicator Control Valve.** Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve, arranged to shut off both the domestic and sprinkler systems. A separate shut-off valve for the domestic system only shall be permitted to be installed. The location of the control valve shall be approved by the fire code official.

**903.3.1.3.3 Bathrooms.** Automatic sprinklers shall be installed in all bathrooms, regardless of square footage.

**903.3.1.3.4 Garages.** Automatic sprinklers shall be installed in all attached garages and structures.

**903.3.1.3.5 Storage areas.** Automatic sprinklers shall be installed in all accessible storage areas.

**903.3.1.3.5.1 Under stair spaces.** Automatic sprinklers shall be installed in all under-stair spaces including all closets.

**903.3.1.3.6 Local water flow alarms.** Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBa. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit.

***Add new sub-sections:***

**903.3.9 Elevators.** Automatic fire sprinklers shall not be installed at the top of passenger elevator hoistways or in the associated passenger elevator mechanical rooms.

**903.3.9.1 Heat detectors in hoistways.** Where automatic fire sprinklers are not installed at the top of passenger elevator hoistways, heat detectors for the shunt trip mechanism shall not be installed, nor shall smoke detectors for elevator recall be installed.

**903.3.9.2 Heat detectors in mechanical rooms.** Where automatic fire sprinklers are not installed in associated elevator mechanical rooms, heat detectors for the shunt trip mechanism shall not be installed. A smoke detector shall be installed for elevator recall.

***Amend sub-sections:***

**903.4.1 Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an *approved* supervising station or, when *approved* by the *fire code official*, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system.

**Exceptions:**

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.

2. Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

**903.4.2 Alarms.** One *exterior* approved audible device shall be connected to every automatic sprinkler system in *an approved location*. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a *building* fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. ~~Visible alarm notification appliances shall not be required except when required by Section 907.~~ Interior alarm notification appliances shall be installed as required by Section 903.4.2.1.

**903.4.2.1 Audible and visible notification.** Where an automatic fire sprinkler system is installed in a building with more than one tenant or with over 100 sprinkler heads, audible and visible notification appliances shall be installed throughout the building as follows:

1. Audible notification appliances shall be installed so as to be audible at 15 dBA above average sound pressure level throughout the building.
2. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.
3. Visible notification appliances can be eliminated in normally unoccupied portions of buildings where permitted by the fire code official.

**Exception:** The requirements of this section do not apply to Group R-3 Occupancies.

**903.4.3 Floor control valves.** Approved supervised indicating control valves and water flow switches shall be provided at the point of connection to the riser on each floor in high-rise buildings and Group 1-2 occupancies having occupied floors located more than 75 feet (22,860mm) above the lowest level of fire department vehicle access, all buildings over one story in height, and shall be individually annunciated as approved by the fire code official.

**Monterey County Rationale:**

Automatic fire sprinkler systems have been installed in buildings within Monterey County for several decades under the criteria established by prior editions of the Uniform Fire Code, California Fire Code and property insurance underwriters. Since 1985, a comprehensive package of fire code amendments has been utilized in Monterey County, starting with a few individual fire jurisdictions. With the encouragement of the design and contracting communities in Monterey County, a group of 10 fire protection districts worked to refine these amendments to increase coordination to become increasingly similar since the 1993 adoption cycle of the California Fire Code. Currently, all independent fire districts in Monterey County have subscribed to the common amendments package based on the diverse and compelling conditions that exist within their interdependent fire jurisdictions.

Initially, the thresholds at which fire sprinkler systems were required started at approximately 5,000 square feet for commercial buildings (i.e., occupancies that were not classified as Group R), and zero square feet for residential occupancies (i.e., occupancies that were Group R occupancies). During the last 25 years, fire sprinkler systems have been found to operate successfully with no loss of life except for the individual who was in close proximity to the origin of the fire. Additionally, commercial occupancies with automatic fire sprinkler systems were successfully protected with the amount of fire damage significantly reduced during fire emergencies when the automatic fire sprinkler systems were properly maintained.

The category of commercial occupancy that had seen no significant reduction in the rate of fire loss is the building with a fire area between 500 and 5000 square feet. These buildings constitute a significant number of commercial occupancies in Monterey County and, yet, they have not been afforded the same level of automatic fire protection as their larger counterparts. As the same factors continue to affect these occupancies, the amount of damage that occurs in these smaller buildings without fire protection often affects smaller businesses significantly as they are more quickly and catastrophically affected by fire losses.

Monterey County's established fire protection industry has created an environment in which property owners can very readily obtain competitive bids and prompt service by no less than a dozen different fire protection contractors who operate in the Monterey County area. Local fire agencies have developed effective working relationships with these contractors, thereby contributing to the cost-effective design, installation, inspection, and maintenance process for fire protection systems.

The vast majority of individual fire districts in Monterey County had already included buildings with areas of 500 to 5000 in their expansion of the fire sprinkler installation threshold at the adoption of the 2007 California Building Code. This amendment proposes to adopt the lower threshold of 500 square feet for the installation of automatic fire sprinkler systems throughout the unincorporated areas of Monterey County so that areas that have even more extended response times from the closest fire station will have

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a better chance of being saved in the event of a fire, increase the opportunity to be quickly reopened for business, and decrease the likelihood that fire will spread to other buildings or wildland areas nearby.

Additionally, the amendments pertaining to the associated components of fire sprinkler systems are proposed after their initial adoption by the local fire districts who observed during fire responses occurring over the last several decades when fire personnel recognized that these components would have been vital for either less problematic occupant evacuation, more effective fire protection system performance, more efficient fire agency response or prompt identification of fire area locations.

**Monterey County Findings:**

1. Local climatic conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. During such flood emergencies, the local fire agency must either use alternate emergency access roads or request the assistance of other fire agencies under the California Mutual Aid System, both of which are likely to result in longer response times to the site of the emergency. During these extended response times, fires in buildings that have not been protected with automatic fire sprinkler systems are likely to cause greater damage, thereby increasing the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread requires additional fire agency resources that have already been spread thin.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads normally used for emergency access requiring either that the fire agency utilize alternate access routes or that assistance is requested from other fire agencies under the California Mutual Aid System. In either case, response times to emergencies are significantly increased. During these extended response times, fires in buildings that have not been protected with automatic fire sprinkler systems are likely to cause greater damage, thereby increasing the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread requires additional fire agency resources that have already been spread thin.

**Monterey County Express Findings for Local Amendment to Section 907**

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**SECTION 907  
FIRE ALARM AND DETECTION SYSTEMS**

*Add new sub-section:*

**907.1.6 Multiple Fire Alarm Systems.** Multiple fire alarm systems within single protected premises are not permitted, unless specifically authorized by the fire code official.

***Amend sub-section:***

**907.2 Where required - new buildings and structures.** An *approved* fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.6, unless other requirements are provided by another section of this code.

A minimum of one manual fire alarm box shall be provided in an *approved* location to initiate a fire alarm signal for fire alarms systems employing automatic fire detectors or water-flow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers or *automatic fire alarm systems*, a single fire alarm box shall be installed at a location approved by the enforcing agency.

**Exceptions:**

1. The manual fire alarm box is not required for fire alarm *control units* dedicated to elevator recall control, ~~*supervisory service and fire sprinkler monitoring.*~~
2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the *fire code official* to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is accessible to the public.
3. *The manual fire alarm box is not required to be installed when approved by the fire code official.*

**907.7.4 Access.** Access shall be provided to each fire alarm ~~device~~ and ~~notification appliance~~ system component for periodic inspection, maintenance and testing.

***Add new sub-section:***

**907.7.6 Zone transmittal.** Where required by the fire code official, fire alarm signals shall be transmitted by zone to the supervising station and retransmitted by zone to the public fire service communications center.

***Amend sub-section:***

~~**907.8.2 Record of completion.** A record of completion in accordance with NFPA 72 verifying that the system has been installed and tested in accordance with the approved plans and specifications shall be provided.~~

**907.8.2 Completion documents.** The following documentation shall be provided at the time of acceptance testing for all fire alarm system installations:

1. A record of completion in accordance with NFPA 72.
2. A contractor's statement verifying that the system has been installed in accordance with the approved plans and specifications, and has been 100% tested in accordance with NFPA 72.
3. A contractor's affidavit of personnel qualifications, indicating that all personnel involved with the installation of the fire alarm system meet the qualification requirements of the fire code official.

### **Monterey County Rationale:**

The fire alarm system is an important fire safety tool which automatically notifies building occupants that an emergency is underway and which relays vital information to the responding fire personnel concerning the type and/or location of the fire emergency. When building occupants are clearly notified that a fire emergency may be underway, they can safely evacuate with a decreased risk of injury or death. When the responding fire personnel understand these factors concerning the emergency, they can efficiently plan out their initial response procedure when they have arrived at the protected facility.

The proposed amendments take the provisions adopted in the California Fire Code and further refine them to create both a higher quality fire alarm installation and an opportunity to identify more precisely the type and/or location of the fire emergency. Under this proposal, the fire alarm contractors must also provide documentation as to the completeness of their installation, which will become a requirement in the next edition of the NFPA 72 National Fire Alarm Code. Furthermore, the zone information required to be programmed into the fire alarm system will be clearly transmitted to dispatchers and, subsequently, to responding fire personnel for more effective response, particularly to complex facilities.

### **Monterey County Findings:**

1. Local climatic conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. During such flood emergencies, the local fire agency must either use alternate emergency access roads or request the assistance of other fire agencies under the California Mutual Aid System, both of which are likely to result in longer response times to the site of the emergency. During these extended response times, buildings with fire alarm systems that have not been designed to provide comprehensive fire scene detail are susceptible to more extensive damage, thereby increasing the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread due to the lack

Exhibit A-Local Amendment to the 2010 California Fire Code

of specific incident details requires additional fire agency resources that have already been spread thin.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads normally used for emergency access requiring either that the fire agency utilize alternate access routes or that assistance is requested from other fire agencies under the California Mutual Aid System. In either case, response times to emergencies are significantly increased. During these extended response times, buildings with fire alarm systems that have not been designed to provide comprehensive fire scene detail are susceptible to more extensive damage, thereby increasing the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread due to the lack of specific incident details requires additional fire agency resources that have already been spread thin.

**Monterey County Express Findings for Local Amendment to Appendix D**

**Strikethrough** ---- Deleted text.

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**APPENDIX D  
FIRE APPARATUS ACCESS ROADS**

***Amend appendix D sub-section:***

**D103.2 Grade.** Fire apparatus access roads shall not exceed ~~10~~ 15 percent in grade with a maximum side slope of 5 percent.

**Exception:** Grades steeper than ~~10~~ 15 percent, as ~~approved by the fire chief~~ if approved by the fire code official, shall be paved with perpendicularly grooved concrete.

**Monterey County Rationale:**

Within Monterey County, many buildable areas are either situated where access roadways and driveways cannot be built with grades less than 10 percent. Since Appendix D outlines provisions that are not part of the minimum code for California, the amendment proposes to adjust the maximum percentage of slope from 10 percent to 15 percent. Fifteen percent represents the traditional maximum slope which the Monterey County fire agencies have accepted for use by their fire vehicles when traditional paving

**Monterey County Findings:**

1. Local Climatic Conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency, and requiring

durable access roadways during periods of heavy precipitation. These flood conditions cause damage to roads and bridges that have not been designed pursuant to the standards required for the support of emergency vehicles.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads that have not be durably constructed. Both emergency response and occupant evacuation rely on adequately engineered roads and bridges following earthquakes. Additionally, widely varied soils conditions require that roads and bridges be constructed with durable surfaces to ensure the safe, effective emergency response and occupant evacuation.

3. Local Topographical Conditions - Monterey County has a wide variety of topographical conditions, ranging from flat valley floor regions to steep mountainous locations. Consistent roadway design and enduring safe design parameters among these areas ensures that traditional emergency vehicles are able to safely traverse the roadways and bridges without unreasonable delays due to extreme slopes.

### **Monterey County Express Findings for Local Amendment Adding Appendix “K”**

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**Underline** ----- Added text.

*Add new appendix chapter K:*

## **APPENDIX K** **STANDARD FIRE CONDITIONS FOR SINGLE FAMILY DWELLINGS**

### **SECTION K101** **GENERAL**

**K101.1 Scope.** Applications for the construction or remodel of single family dwellings, including one- and two-family dwellings, town homes, factory built housing, and mobile homes outside of established mobile home parks, shall be subject to the fire conditions in this appendix when conditioned by the fire code official.

**K101.2 Conflicting Sections.** Where provisions in this appendix conflict with other sections of this code, or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the fire code official.

### **SECTION K102** **ROADS**

**K102.1 General.** These conditions will be used primarily when conditioning a subdivision or other project that requires roads. Roads are defined as access pathways for more than two parcels.

**K102.2 Road access.** Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name.

**K102.3 Roadway engineering and dead-end roads.** The grade for all roads shall not exceed 15 percent with a maximum side slope of 5%. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

**K102.3.1 Parcels less than one (1) acre.** For parcels less than 1 acre, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 800 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

**K102.3.2 Parcels greater than 1 acre and not exceeding 5 acres.** For parcels greater than 1 acre and not exceeding 5 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 1320 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

**K102.3.3 Parcels greater than 5 acres and not exceeding 20 acres.** For parcels greater than 5 acres and not exceeding 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not

exceed 2640 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

**K102.3.4 Parcels greater than 20 acres.** For parcels greater than 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 5280 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

### **SECTION K103** **DRIVEWAYS, GATES, AND BRIDGES**

**K103.1 Driveways.** Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent with a maximum side slope of 5%. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be constructed with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

**K103.2 Gates.** All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without

obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.

**K103.3 Bridges.** All new and reconstructed bridges shall be at least the width of the roadbed and berms, but in no case less than 12 feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS15-44 loading and have guardrails. Appropriate signage, including but not limited to, weight ratings or vertical clearance limitations, and one-way road or single-lane road conditions, shall be provided at both entrances to any bridge. One-lane bridges may be permitted if there is unobstructed visibility across the entire bridge, and turnouts are provided at both bridge ends. The fire authority may impose more stringent requirements for bridges.

## **SECTION K104** **SIGNS AND ADDRESSES**

**K104.1 Road signs.** All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of the jurisdiction. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the fire code official.

**K104.2 Addresses for buildings.** All buildings shall be issued an address in accordance with jurisdictional requirements. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address

signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance.

## **SECTION K105** **WATER SUPPLY**

**K105.1 Water systems.** The provisions of this condition shall apply when new parcels, development, changes in use or intensity are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available

**K105.2 Single parcel fire protection water supply.** For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available.

**K105.3 Fire hydrants and valves.** A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser.

If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

**SECTION K106**  
**SETBACKS**

**K106.1 Setbacks.** All parcels 1 acre and larger shall provide a minimum 30-foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, alternate fuel modification standards or other requirements may be imposed by the fire code official to provide the same practical effect.

**SECTION K107**  
**VEGETATION AND DEBRIS DISPOSAL**

**K107.1 Disposition of vegetation and debris fuels.** Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit.

**SECTION K108**  
**GREENBELTS**

**K108.1 Greenbelts.** Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the fire code official.

**SECTION K109**  
**DEFENSIBLE SPACE**

**K109.1 Standard defensible space requirements.** Remove combustible vegetation from within a minimum of 100 feet or to the property line from structures, whichever is closer. Vegetation shall be no taller than four inches (4") high. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional or alternate fire protection approved by the fire code official may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by the fire code official and other jurisdictional authorities.

**SECTION K110**  
**FIRE PROTECTION SYSTEMS**

**K110.1 Residential fire sprinkler systems (Standard).** The building(s) and attached structure(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California appropriately licensed contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection.

**K110.2 Residential fire alarm systems.** The residence shall be fully protected with an approved household fire warning system as defined by NFPA 72. Plans and specifications for the household fire warning system shall be submitted by a California appropriately licensed contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the California Residential Code shall meet the requirements of the California Residential Code.

**Monterey County Rationale:**

Since 1992, Monterey County fire districts have successfully implemented locally amended provisions of California Public Resources Code Section 4290 as adopted in Monterey County Ordinance 3600. When the 1991 California Fire Code was considered for adoption by these same fire districts, a gap was found between the requirements for commercial facilities in the California Fire Code and the requirements found for rural residential development in the Public Resources Code. The solution developed was one that kept the neighborhood and site improvements affordable for small residential development and yet ensured that fire safety features were adequately provided. The cooperative efforts of the local fire districts, local CAL FIRE staff, and the County of Monterey made possible the foundation of what is now proposed as Appendix K.

Two significant examples of the moderation between the California Fire Code and the Public Resources Code are the provisions for private driveways and for individually owned water systems. Meeting the intent of the code to provide adequate emergency vehicle access and water for fire protection, these requirements were brought to an appropriate scale without burdening the individual homebuilder with the cost of a full-size commercial roadway and utility-scale water system. When combined with the provisions for state-mandated defensible space, automatic fire protection systems, and fire-retardant roofing systems, these provisions in Appendix K continue to provide a firesafe environment.

The expansion of the area where provisions of Appendix K are applied is intended to afford the same opportunities to property owners of any low-density residential area of Monterey County, including those in "Local Responsibility Area" (LRA) that had originally been granted in Ordinance 3600 to property owners in the watershed areas of

Monterey County known as "State Responsibility Area" (SRA). Because a significant amount of undeveloped area in Monterey County is found in both LRA and SRA, the adoption of Appendix K will continue to provide effective fire safety for future development.

**Monterey County Findings:**

1. Local climatic conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. During such flood emergencies, the local fire agency must either use alternate emergency access roads or request the assistance of other fire agencies under the California Mutual Aid System, both of which are likely to result in longer response times to the site of the emergency. During these extended response times, rural neighborhoods comprised of both small subdivisions and individual parcels of record depend on the effective response by emergency resources and on the built-in fire-safety provisions that include both active and passive fire protection. Buildings that have not been designed with these specific provisions designed for rural settings are likely to sustain greater damage during fires, thereby increasing the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread within the buildings and onto nearby structures requires the response of additional fire agency resources that have already been spread thin.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads normally used for emergency access requiring either that the fire agency utilize alternate access routes or that assistance is requested from other fire agencies under the California Mutual Aid System. In either case, response times to emergencies are significantly increased. During these extended response times, rural neighborhoods comprised of both small subdivisions and individual parcels of record depend on the effective response by emergency resources and on the built-in fire-safety provisions that include both active and passive fire protection. Buildings that have not been designed with these specific provisions designed for rural settings are likely to sustain greater damage during fires, thereby increasing the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread within the buildings and onto nearby structures requires the response of additional fire agency resources that have already been spread thin.

**Monterey County Express Findings for Local Amendment Adding Appendix "L"**

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Underline ----- Added text.

*Add new appendix chapter L:*

**APPENDIX L**  
**ROOFS**

**SECTION L101**

**General**

**L101.1 Scope.** Applications for the construction or remodel of any buildings shall be subject to the roofing conditions of this appendix when conditioned by the fire code official.

**L101.2 Conflicting Sections.** Where provisions in this appendix conflict with other sections of this code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the fire code official.

**SECTION L102**

**NEW BUILDINGS**

**L102.1 General.** Roofing requirements for all new buildings shall be a minimum Class “B” roof assembly as defined by the California Building Code.

**Exception:** Greenhouses shall be exempt from the requirements of this section.

**L102.2 Very High Hazard Severity Zones.** Roofing requirements for all new buildings in Very High Hazard Severity Zones shall be a minimum Class “A” roof assembly as defined by the California Building Code.

**L102.3 Carmel Valley Fire Protection District.** Roofing requirements for all new buildings within the Carmel Valley Fire Protection District shall be a minimum Class “A” roof assembly as defined by the California Building Code.

**L102.4 Cypress Fire Protection District and Pebble Beach Community Services District.** Roofing requirements for all new buildings within the Cypress Fire Protection District and the Pebble Beach Community Services District shall be a minimum Class “A” roof assembly as defined by the California Building Code.

**SECTION L103**

**EXISTING BUILDINGS**

**L103.1 General.** Roofing requirements for existing buildings when fifty percent (50%) or more of the roof area is re-roofed within a one-year period shall be a minimum Class “B” roof assembly as defined by the California Building Code.

**L103.2 Very High Hazard Severity Zone.** Roofing requirements for existing buildings within a very high hazard severity zone when fifty percent (50%) or more of the roof area is re-roofed within a one-year period shall be a minimum Class “A” roof assembly as defined by the California Building Code.

**L103.3 Carmel Valley Fire Protection District.** Roofing requirements for existing buildings within Carmel Valley Fire Protection District when fifty percent (50%) or more of the roof area is re-roofed within a one-year period shall be a minimum Class "A" roof assembly as defined by the California Building Code.

**L103.4 Cypress Fire Protection District and Pebble Beach Community Services District.** Roofing requirements for existing buildings within the Cypress Fire Protection District and the Pebble Beach Community Services District when twenty-five percent (25%) or more of the roof area is re-roofed within a one-year period shall be a minimum Class "A" roof assembly as defined by the California Building Code.

**SECTION L104**  
**ADDITIONS TO EXISTING BUILDINGS**

**L104.1 General.** The requirements of this Appendix shall apply to all additions to existing buildings, except that only the new portions of the roof shall be required to meet the requirements of this appendix.

**Monterey County Rationale:**

Since 1993, California has required that new roof structures and replacement roofs be installed with roof assemblies that have been given a minimum fire-resistant rating of Class "C". These provisions recently were amended by the State requiring that Class "B" roof assemblies be installed on structures in areas that have been determined to be "high fire hazard severity zones" located in State Responsibility Areas and that Class "A" roof assemblies be used in "very high fire hazard severity zones" located in both State Responsibility Areas and Local Responsibility Areas.

Historically, fire districts have assessed the conditions within their jurisdictions and found that variations of these requirements have been necessary in order to address the unique environments found in their jurisdictions. In all cases, the requirements adopted were as restrictive or more restrictive than the state standards.

The provisions proposed in Appendix L have carried forth the area-specific roofing conditions previously adopted in areas of Monterey County while providing a baseline minimum roof assembly requirement of Class "B" in all unincorporated areas of Monterey County not otherwise identified. In light of the continued development in both the open grasslands and the steep forested areas of Monterey County, fire protective qualities of roofing assemblies required in Appendix L will dramatically improve the fire safety of buildings, particularly when they are exposed to fires from buildings onsite or to fires from sources offsite.

**Monterey County Findings:**

1. Local climatic conditions - Monterey County is subject to wind patterns that occur regularly in the Salinas Valley, Pajaro Valley, and within adjacent areas. These wind

patterns have historically contributed to the spread of burning embers onto buildings' roofs and open brush or forested areas when fires occurred even as much as a mile away. The lack of fire retardant roof assemblies on structures in Monterey County would significantly increase the risk of the spread of fire both on the affected structure as well as structures, grasslands and forested areas nearby.

**Monterey County Express Findings for Local Amendment Adding Appendix “M”**

**Strikethrough** ---- Deleted text.

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*Add new appendix chapter M:*

**APPENDIX M**  
**SPECIAL REQUIREMENTS FOR PHOTOVOLTAIC POWER**  
**GENERATING SYSTEMS**

**SECTION M101**  
**GENERAL**

**M101.1 Scope.** Applications for the installation, additions or remodel of alternative energy system, including but not limited to photovoltaic power generation systems, shall be subject to this appendix when conditioned by the fire code official.

**M101.2 Conflicting Sections.** Where provisions in this appendix conflict with other sections of this code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the fire code official.

**SECTION M102**  
**SIGNING AND MARKING**

**M102.1 General.** All photovoltaic systems shall be permanently marked as specified in this section.

**M102.2 Main Panel Exterior Marking.** A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 3/4” in height and in a non-serif font, to read “SOLAR DISCONNECT INSIDE PANEL.” The placard shall be constructed of weather-resistant, durable plastic with engraved letters, or other approved material.

**M102.3 Circuit Disconnecting Means Marking.** A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8” in height and in a non-serif font, to read “SOLAR DISCONNECT.” The label shall be constructed of durable adhesive material or other approved material.

**M102.4 Marking.** Marking is required on all interior and exterior direct current (DC) conduits, raceways, enclosures, cable assemblies, and junction boxes.

**M102.4.1 Marking Locations.** Marking shall be placed on all DC conduits, raceways, enclosures, and cable assemblies every ten feet (10'), at turns and above and below penetrations. Marking shall also be placed on all DC combiner and junction boxes.

**M102.4.2 Marking Content and Format.** Marking for DC conduits, raceways, enclosures, cable assemblies and junction boxes shall be red with white lettering with minimum 3/8" capital letters in a non-serif font, to read "WARNING: SOLAR CIRCUIT". Marking shall be reflective, weather resistant, and suitable for the environment. Materials used should be in compliance with UL Standard 969.

**M102.5 Secondary Power Sources.** Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the fire code official shall be required indicating the location of the secondary power source shutoff switch.

**M102.6 Installer Information.** Signage acceptable to the fire code official indicating the name and emergency telephone number of the installing contractor shall be required to be installed adjacent to the main disconnect.

**M102.7 Inverters.** No markings are required for inverters.

**M102.8 AC Photovoltaic Systems.** AC Photovoltaic Systems shall be marked as specified in this section.

**M102.8.1 Main Panel Exterior Marking.** A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 3/4" in height and in a non-serif font, to read "SOLAR DISCONNECT INSIDE PANEL." The placard shall be constructed of weather resistant, durable plastic with engraved letters, or other approved material.

**M102.8.2 Circuit Disconnecting Means Marking.** A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8" in height and in a non-serif font, to read "SOLAR DISCONNECT." The label shall be constructed of durable adhesive material or other approved material.

**SECTION M103**  
**BUILDING MOUNTED PHOTOVOLTAIC SYSTEMS**

**M103.1 Installation requirements.** All building- or roof-mounted photovoltaic systems shall be installed as specified in this section.

**M103.2 Access, Pathways, and Smoke Ventilation.** Access and spacing requirements shall be observed to ensure emergency access to the roof, provide pathways for specific areas of the roof, provide for smoke ventilation opportunity areas, and to provide emergency egress from the roof.

**Exceptions.** Exceptions to the requirements in this section shall be permitted to be granted by the fire code official where access, pathway or ventilation requirements are reduced due to any of the following circumstances:

1. Proximity and type of adjacent exposures.
2. Alternative access opportunities, as from adjoining roofs.
3. Ground level access to the roof.
4. Adequate ventilation opportunities below solar arrays.
5. Adequate ventilation opportunities afforded by module set back from other rooftop equipment.
6. Automatic ventilation devices.
7. New technologies, methods, or other innovations that ensure adequate fire department access, pathways, and ventilation opportunities.

**M103.3 Less than 2-in-12 pitch.** Designation of ridge, hip, and valley does not apply to roofs with 2-in-12 or less pitch.

**M103.4 Measurement Conventions.** All roof dimensions shall be measured to centerlines.

**M103.5 Roof Access Points.** Roof access points shall be defined as areas where ladders are not placed over openings (windows or doors) and are located at strong points of building construction and in locations where they will not conflict with overhead obstructions (tree limbs, wires, or signs).

**M103.6 Household Systems (One- and Two-Family Dwellings).** Household systems (one- and two-family dwellings) shall comply with Sections M103.6.1 through M103.6.4.

**M103.6.1. Access and Pathways.** On hip roof layouts, modules shall be located in a manner that provides one (1) three foot (3') wide clear access pathway from the eave to the ridge of each roof slope where the modules are located. The access

pathway shall be located at a structurally sound location on the building, such as a bearing wall.

**Exception:** Where adjoining roof planes provide a three foot (3') wide clear access pathway.

**M103.6.2 Single Ridge Layouts.** Modules shall be located in a manner that provides two (2) three-foot (3') wide access pathways from the eave to the ridge on each roof slope where the modules are located.

**M103.6.3 Hip and Valley Layouts.** Modules shall be located no closer than one and one-half feet (1-1/2') to a hip or valley if modules are to be placed on both sides of a hip or valley. Where modules are located on only one side of a hip or valley that is of equal length, the modules shall be permitted to be placed directly adjacent to the hip or valley.

**M103.6.4 Ridge Setback.** The modules shall be located no higher than one and one-half feet (1-1/2') below the ridge.

**M103.7 Commercial Systems.** Commercial Systems shall be defined as all photovoltaic systems installed in any occupancy other than a one and two family dwellings. Commercial systems shall comply with Sections M103.7.1 through M103.7.3.

**M103.7.1 Alternative Requirements.** Where the fire code official determines that the roof configuration is similar to residential (i.e., townhouses, condominiums, or single-family attached buildings) the fire code official shall be permitted to make a determination to apply the requirements under Section M103.6.

**M103.7.2 Access.** There shall be a minimum six feet (6') wide clear perimeter around the edges of the roof.

**Exception:** If either access to the building is 250' or less, there shall be a minimum four foot (4') wide clear perimeter around the edges of the roof.

**M103.7.3 Pathways.** Pathways shall be established as follows:

1. Pathways shall be over structural members.
2. Centerline axis pathways shall be provided in both axes of the roof.
3. Centerline axis pathways shall run on structural members or over the next closest structural member nearest to the center lines of the roof.
4. Pathways shall be straight line not less than four feet (4') clear to skylights, ventilation hatches, and/or roof standpipes.

5. Pathways shall provide not less than four feet (4') clear around roof access hatches with at least one not less than four foot (4') clear pathway to the parapet or roof edge.

**M103.8 Smoke Ventilation.** Solar arrays shall be no greater than 150 feet by 150 feet in distance in either axis. Ventilator options between array sections shall be:

1. A pathway eight feet (8') or greater in width.
2. A pathway four feet (4') or greater in width and bordering on existing roof skylights or ventilation hatches.
3. a pathway four feet (4') or greater in width and bordering four foot by eight foot (4' X 8) "venting cutouts" every twenty feet (20') on alternating sides of the pathway.

**M103.9 Location of direct current conductors.** Direct current conductors shall be installed in compliance with M103.9.1 through M103.9.4.

**M103.9.1 Exterior mounted direct current conductors:** Exterior mounted Direct Current conduits, wiring systems and raceways for photovoltaic circuits shall be located as close as possible to the ridge, hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.

**M103.9.2 Conduit runs.** Conduit runs between sub-arrays and to direct current combiner boxes shall use design guidelines that minimize the total amount of conduit by taking the shortest path from the array to the direct current combiner box.

**M103.9.3 Location of combiner boxes.** Direct current combiner boxes shall be located so that conduit runs are minimized in the pathways between arrays.

**M103.9.4 Metallic conduit required.** Direct Current wiring shall be run in metallic conduit or raceways when located within enclosed spaces in a building, and shall be run as follows:

1. When run perpendicular or parallel to load bearing members, a minimum ten-inch (10") space below roof decking or sheathing shall be maintained.
2. Where flexible metal conduit (FMC) or metal clad cable (MC) containing PV power circuit conductors is installed across ceilings or floor joists, the raceway or cable shall be protected by guard strips.

**SECTION M104**  
**GROUND MOUNTED PHOTOVOLTAIC SYSTEMS**

**M104.1 Marking.** Marking of conductors and conduit shall be in accordance with Section M102 and M103.

**M104.2 Setbacks.** Special setback requirements do not apply to ground-mounted, freestanding photovoltaic arrays. (The zoning regulations of the jurisdiction regulate setbacks between buildings, accessory structures, possibly including ground-mounted photovoltaic arrays and property lines.)

**M104.3 Clearances.** A clear area of ten feet (10') around ground-mounted photovoltaic installations shall be provided.

**M104.4 Non-Combustible Base.** A gravel base or other non-combustible base, acceptable to the fire code official, shall be installed and maintained under and around all installations.

**M104.5 Protection.** Fencing, skirting, or other suitable security barrier shall be installed when required by the fire code official. (Security barriers are intended to protect individuals and animals from contact with energized conductors or other components.)

**M104.6 Fire Sprinkler Protection.** Fire sprinkler protection is not required for ground-mounted photovoltaic installations.

**Monterey County Rationale:**

In April, 2008, a final draft document entitled "SOLAR PHOTOVOLTAIC INSTALLATION GUIDELINE" was released by the Photovoltaic (PV) Solar System Task Force Committee through the California State Fire Marshal's Office. This group was brought together at the request of the Governor's Office to address concerns from the industry, as well as the fire service, surrounding the installation of PV solar systems. The Guideline contains commonly accepted principles and practices in order to ensure the safe and effective response by fire personnel to buildings where PV systems have been installed either on building roofs or on the ground. The Office of the State Fire Marshal further indicates in the Guideline document that its provisions are not requirements but must be adopted by local ordinance in order to be implemented.

In 2009, a similar local task force of Monterey County photovoltaic installers, building department personnel, fire prevention officers, and design professionals was convened for the specific purpose of assessing the state's Guideline document to determine whether it could be modified and adopted locally. This local adoption of photovoltaic installation provisions was also intended to be part of the fulfillment of alternative energy program goals in Monterey County.

## Exhibit A-Local Amendment to the 2010 California Fire Code

The provisions set forth in Appendix M represent the results of the Monterey County task force's efforts to develop a working document that will create an alternative energy solution that is acceptable to both building and fire prevention officials while remaining economically feasible for both installing contractors and property owners. The Appendix includes modifications made to the state guidelines document, maintaining the provisions for fire safety and for energy production.

### **Monterey County Findings:**

1. Local climatic conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. During such flood emergencies, the local fire agency must either use alternate emergency access roads or request the assistance of other fire agencies under the California Mutual Aid System, both of which are likely to result in longer response times to the site of the emergency. During these extended response times, fires and other emergencies may continue unabated for longer periods of time. Once the fire personnel have successfully arrived at the fire scene, the prompt security of the building's utilities is vital to ensure the life safety of the fire personnel, and to remove contributing factors of gas and electricity that can sustain a fire. Buildings that have photovoltaic systems and other alternative energy-producing systems which have not been designed with these specific provisions set forth in Appendix M, are likely to sustain greater damage during fires. Unmitigated spread of fire increases the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread within the buildings and onto nearby structures requires the response of additional fire agency resources that have already been spread thin.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads normally used for emergency access requiring either that the fire agency utilize alternate access routes or that assistance is requested from other fire agencies under the California Mutual Aid System. In either case, response times to emergencies are significantly increased. During these extended response times, fires and other emergencies may continue unabated for longer periods of time. Once the fire personnel have successfully arrived at the fire scene, the prompt security of the building's utilities is vital to ensure the life safety of the fire personnel, and to remove contributing factors of gas and electricity that can sustain a fire. Buildings that have photovoltaic systems and other alternative energy-producing systems which have not been designed with these specific provisions set forth in Appendix M, are likely to sustain greater damage during fires. Unmitigated spread of fire increases the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread within the buildings and onto nearby structures requires the response of additional fire agency resources that have already been spread thin.

**Exhibit B**  
**County of Monterey**  
**Express Findings Concerning Local Amendments to the**  
**2010 California Building Code**  
**California Code of Regulations Title 24 Part2**

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The following pages contain changes or modifications to the 2010 California Building Code expressly marked and identified to which each express finding refers. Each express finding shows how these amendments are reasonably necessary due to local climatic, geological or topographic conditions pursuant to sections 17958.7 and 18941.5 of the Health and Safety Code.

## Monterey County Express Findings for Local Amendments to Section 903

**Strikethrough** ---- Deleted text.

**Underline** ----- Added text.

### *Amend sub-sections:*

**903.2 Where required.** *Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction shall be provided in the locations, including but not limited to those described in Sections 903.2.1 through ~~903.2.12~~ 903.2.18.*

### **Exceptions:**

1. Structures not classified as Group H or R occupancies that are not more than 500 square feet in total floor area.
2. Detached non-commercial *agricultural buildings*, as defined by this code and classified as Group U occupancies, located at least one hundred feet (100') from any other structure or property lines, and not greater than 500 square feet in total floor area.
3. Accessory structures associated with existing non-sprinklered R-3 occupancies (one or two family dwellings) and less than 1500 square feet in total fire area.
4. Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the fire code official permits alternate protection.

**903.2.1.1 Group A-1.** An *automatic sprinkler system* shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The *fire area* exceeds ~~12,000~~ 500 square feet (~~1115~~ $m^2$ ).
2. The *fire area* has an *occupancy load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.
4. The *fire area* contains a *muntitheater complex*.

**903.2.1.2 Group A-2.** An *automatic sprinkler system* shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The *fire area* exceeds ~~5,000~~ 500 square feet (~~464~~ $m^2$ ).
2. The *fire area* has an *occupant load* of 100 or more.

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3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.
4. The structure exceeds ~~5,000~~ 500 square feet (~~465m<sup>2</sup>~~), contains more than one *fire area* containing a Group A-2 occupancy, and is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

**903.2.1.3 Group A-3.** An *automatic sprinkler system* shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The *fire area* exceeds ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~).
2. The *fire area* has an occupant load of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.
4. The structure exceeds ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~), contains more than one *fire area* containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

**903.2.1.4 Group A-4.** An *automatic sprinkler system* shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The *fire area* exceeds ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~).
2. The *fire area* has an occupant load of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

**903.2.1.5 Group A-5.** An *automatic sprinkler system* shall be provided for Group A-5 occupancies in the following areas: concession stands, retail areas, press boxes and other accessory use areas in excess of ~~1,000~~ 500 square feet (~~93m<sup>2</sup>~~).

**903.2.3 Group E.** *Except as provided for in Section 903.2.3.1* for a new public school campus an *automatic sprinkler system* shall be provided for Group E occupancies as follows:

1. Throughout all Group E *fire areas* greater than ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~) in area.

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2. Throughout every portion of educational buildings below the lowest *level of exit discharge* serving that portion of the building.

**Exception:** ~~An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.~~

3. *In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.*
4. *Throughout any Group E structure greater than ~~12,000~~ 500 square feet (~~1115~~  $m^2$ ) in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.*

**903.2.4 Group F-1.** An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 *fire area* exceeds ~~12,000~~ 500 square feet (~~1115~~  $m^2$ ).
2. A Group F-1 *fire area* is located more than three stories above grade plane.
3. ~~The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230  $m^2$ ).~~

**903.2.4.1 Woodworking operations.** An *automatic sprinkler* system shall be provided throughout all Group F-1 occupancy *fire areas* that contain woodworking operations in excess of ~~2,500~~ 500 square feet in area (~~232~~  $m^2$ ) which generate finely divided combustible waste or which use finely divided combustible materials. [SFM] *A fire wall of less than four-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separated fire areas.*

**903.2.7 Group M.** An *automatic sprinkler* system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds ~~12,000~~ 500 square feet (~~1115~~  $m^2$ ).
2. A Group M *fire area* is located more than three stories above grade plane.
3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds ~~24,000~~ 500 square feet (~~2230~~  $m^2$ ).

4. A Group M occupancy is used for the display and sale of upholstered furniture.
5. *The structure exceeds ~~24,000~~ 500 square feet (~~2230m<sup>2</sup>~~), contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating.*

**903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area, including but not limited to, one- and two-family dwellings, town-homes, and manufactured homes and mobile homes located outside of licensed mobile home parks hereafter constructed, moved into or relocated within the jurisdiction, including all additions to buildings already equipped with automatic fire sprinkler systems.

**Exceptions:**

1. *Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor, and not housing clients above the second floor.*
2. *Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3 of the California Building Code.*
3. *Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.*
4. *Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).*

*When not used in accordance with Section 504.2 or 506.3 of the California Building Code an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.*

*An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.*

**903.2.9 Group S-1.** An automatic sprinkler system shall be provided throughout buildings containing a Group S-1 occupancy where one of the following conditions exists:

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1. A Group S-1 *fire area* exceeds ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~).
2. A Group S-1 *fire area* is located more than three stories above grade plane.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds ~~24,000~~ 500 square feet (~~2230m<sup>2</sup>~~).
4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds ~~5,000~~ 500 square feet (~~464m<sup>2</sup>~~).

**903.2.9.2 Bulk storage of tires.** Buildings and structures where the area for the storage of tires exceeds ~~20,000 cubic feet (566m<sup>3</sup>)~~ 500 square feet shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.

**903.2.10 Group S-2 enclosed parking garages.** An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the California Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds ~~12,000~~ 500 square feet (~~1115m<sup>2</sup>~~); or
2. Where the enclosed parking garage is located beneath other groups.

**903.2.10.1 Commercial parking garages.** An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the fire area exceeds ~~5,000~~ 500 square feet (~~464m<sup>2</sup>~~).

**903.3 Installation requirements.** *Automatic sprinkler systems* shall be designed and installed in accordance with Sections 903.3.1 through ~~903.3.7~~ 903.3.9.

**903.3.1.3 NFPA 13D sprinkler systems.** Where allowed *Automatic sprinkler systems* installed in one- and two-family *dwelling*s and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D.

**903.3.1.3.1 Leak testing.** All fire sprinkler systems installed in one- and two-family dwellings shall be tested for leakage by undergoing a hydrostatic test made at 200 psi for a two-hour duration.

**903.3.1.3.2 Indicator Control Valve.** Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve, arranged to shut off both the domestic and sprinkler systems. A separate shut-off valve for the domestic system only shall be permitted to be installed. The

location of the control valve shall be approved by the fire code official.

**903.3.1.3.3 Bathrooms.** Automatic sprinklers shall be installed in all bathrooms, regardless of square footage.

**903.3.1.3.4 Garages.** Automatic sprinklers shall be installed in all attached garages and structures.

**903.3.1.3.5 Storage areas.** Automatic sprinklers shall be installed in all accessible storage areas.

**903.3.1.3.5.1 Under stair spaces.** Automatic sprinklers shall be installed in all under-stair spaces including all closets.

**903.3.1.3.6 Local water flow alarms.** Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBa. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit.

*Add new sub-sections:*

**903.3.9 Elevators.** Automatic fire sprinklers shall not be installed at the top of passenger elevator hoistways or in the associated passenger elevator mechanical rooms.

**903.3.9.1 Heat detectors in hoistways.** Where automatic fire sprinklers are not installed at the top of passenger elevator hoistways, heat detectors for the shunt trip mechanism shall not be installed, nor shall smoke detectors for elevator recall be installed.

**903.3.9.2 Heat detectors in mechanical rooms.** Where automatic fire sprinklers are not installed in associated elevator mechanical rooms, heat detectors for the shunt trip mechanism shall not be installed. A smoke detector shall be installed for elevator recall.

*Amend sub-sections:*

**903.4.1 Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an *approved* supervising station or, when *approved* by the *fire code official*, shall sound an audible signal at a

constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system.

**Exceptions:**

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.
2. Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

**903.4.2 Alarms.** One *exterior* approved audible device shall be connected to every automatic sprinkler system in *an approved location*. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a *building* fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. ~~Visible alarm notification appliances shall not be required except when required by Section 907.~~ Interior alarm notification appliances shall be installed as required by Section 903.4.2.1.

**903.4.2.1 Audible and visible notification.** Where an automatic fire sprinkler system is installed in a building with more than one tenant or with over 100 sprinkler heads, audible and visible notification appliances shall be installed throughout the building as follows:

1. Audible notification appliances shall be installed so as to be audible at 15 dBa above average sound pressure level throughout the building.
2. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.
3. Visible notification appliances can be eliminated in normally unoccupied portions of buildings where permitted by the fire code official.

**Exception:** The requirements of this section do not apply to Group R-3 Occupancies.

**903.4.3 Floor control valves.** Approved supervised indicating control valves and water flow switches shall be provided at the point of connection to the riser on

## Exhibit B – Local Amendments to the 2010 California Building Code

~~each floor in high-rise buildings and Group 1-2 occupancies having occupied floors located more than 75 feet (22,860mm) above the lowest level of fire department vehicle access. all buildings over one story in height, and shall be individually annunciated as approved by the fire code official.~~

### **Monterey County Rationale:**

This local amendment will harmonize proposed amendments concerning fire sprinkler requirements in the 2010 California Fire Code with Section 903 of the 2010 California Building Code.

### **Monterey County Findings:**

1. Local climatic conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. During such flood emergencies, the local fire agency must either use alternate emergency access roads or request the assistance of other fire agencies under the California Mutual Aid System, both of which are likely to result in longer response times to the site of the emergency. During these extended response times, fires in buildings that have not been protected with automatic fire sprinkler systems are likely to cause greater damage, thereby increasing the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread requires additional fire agency resources that have already been spread thin.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads normally used for emergency access requiring either that the fire agency utilize alternate access routes or that assistance is requested from other fire agencies under the California Mutual Aid System. In either case, response times to emergencies are significantly increased. During these extended response times, fires in buildings that have not been protected with automatic fire sprinkler systems are likely to cause greater damage, thereby increasing the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread requires additional fire agency resources that have already been spread thin.

### **Monterey County Express Findings for Local Amendments to Section 914**

**Underline = Added Text**

**~~Strikethrough~~ = Deleted Text**

**Amend Section 914, Emergency Responder Safety Features, by adding sub-section 914.3 to read:**

**914.3 Requirements for building- and ground-mounted photovoltaic systems. Building- and ground-mounted photovoltaic systems shall be installed in conformance with 914.3.1 through 914.3.13.**

**914.3.1 Access, Pathways, and Smoke Ventilation.** Access and spacing requirements shall be observed to ensure emergency access to the roof, provide pathways for specific areas of the roof, provide for smoke ventilation opportunity areas, and to provide emergency egress from the roof.

**Exceptions.** Exceptions to the requirements in this section shall be permitted to be granted by the code official where access, pathway or ventilation requirements are reduced due to any of the following circumstances:

1. Proximity and type of adjacent exposures.
2. Alternative access opportunities, as from adjoining roofs.
3. Ground level access to the roof.
4. Adequate ventilation opportunities below solar arrays.
5. Adequate ventilation opportunities afforded by module set back from other rooftop equipment.
6. Automatic ventilation devices.
7. New technologies, methods, or other innovations that ensure adequate fire department access, pathways, and ventilation opportunities.

**914.3.2 Less than 2-in-12 pitch.** Designation of ridge, hip, and valley does not apply to roofs with 2-in-12 or less pitch.

**914.3.3 Measurement Conventions.** All roof dimensions shall be measured to centerlines.

**914.3.4 Roof Access Points.** Roof access points shall be defined as areas where ladders are not placed over openings (windows or doors) and are located at strong points of building construction and in locations where they will not conflict with overhead obstructions (tree limbs, wires, or signs).

**914.3.5 Household Systems (One- and Two-Family Dwellings).** Household systems (one- and two-family dwellings) shall comply with Sections 914.3.5.1 through 914.3.5.4.

**914.3.5.1. Access and Pathways.** On hip roof layouts, modules shall be located in a manner that provides one (1) three foot (3') wide clear access pathway from the eave to the ridge of each roof slope where the modules

are located. The access pathway shall be located at a structurally sound location on the building, such as a bearing wall.

**Exception:** Where adjoining roof planes provide a three foot (3') wide clear access pathway.

**914.3.5.2 Single Ridge Layouts.** Modules shall be located in a manner that provides two (2) three-foot (3') wide access pathways from the eave to the ridge on each roof slope where the modules are located.

**914.3.5.3 Hip and Valley Layouts.** Modules shall be located no closer than one and one-half feet (1-1/2') to a hip or valley if modules are to be placed on both sides of a hip or valley. Where modules are located on only one side of a hip or valley that is of equal length, the modules shall be permitted to be placed directly adjacent to the hip or valley.

**914.3.5.4 Ridge Setback.** The modules shall be located no higher than one and one-half feet (1-1/2') below the ridge.

**914.3.6 Commercial Systems.** Commercial Systems shall be defined as all photovoltaic systems installed in any occupancy other than a one and two family dwellings. Commercial systems shall comply with Sections 914.3.6.1 through 914.3.6.3.

**914.3.6.1 Alternative Requirements.** Where the code official determines that the roof configuration is similar to residential (i.e., townhouses, condominiums, or single-family attached buildings) the code official shall be permitted to make a determination to apply the requirements under Section 914.3.5.

**914.3.6.2 Access.** There shall be a minimum six feet (6') wide clear perimeter around the edges of the roof.

**Exception:** If either access to the building is 250' or less, there shall be a minimum four foot (4') wide clear perimeter around the edges of the roof.

**914.3.6.3 Pathways.** Pathways shall be established as follows:

1. Pathways shall be over structural members.
2. Centerline axis pathways shall be provided in both axes of the roof.
3. Centerline axis pathways shall run on structural members or

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over the next closest structural member nearest to the center lines of the roof.

4. Pathways shall be straight line not less than four feet (4') clear to skylights, ventilation hatches, and/or roof standpipes.

5. Pathways shall provide not less than four feet (4') clear around roof access hatches with at least one not less than four foot (4') clear pathway to the parapet or roof edge.

**914.3.7 Smoke Ventilation.** Solar arrays shall be no greater than 150 feet by 150 feet in distance in either axis. Ventilator options between array sections shall be:

1. A pathway eight feet (8') or greater in width.

2. A pathway four feet (4') or greater in width and bordering on existing roof skylights or ventilation hatches.

3. a pathway four feet (4') or greater in width and bordering four foot by eight foot (4' X 8) “venting cutouts” every twenty feet (20') on alternating sides of the pathway.

**914.3.8 Location of direct current conductors.** Direct current conductors shall be installed in compliance with 914.3.8.1 through 914.3.8.4.

**914.3.8.1 Exterior mounted direct current conductors:** Exterior mounted Direct Current conduits, wiring systems and raceways for photovoltaic circuits shall be located as close as possible to the ridge, hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.

**914.3.8.2 Conduit runs.** Conduit runs between sub-arrays and to direct current combiner boxes shall use design guidelines that minimize the total amount of conduit by taking the shortest path from the array to the direct current combiner box.

**914.3.8.3 Location of combiner boxes.** Direct current combiner boxes shall be located so that conduit runs are minimized in the pathways between arrays.

**914.3.8.4 Metallic conduit required.** Direct Current wiring shall be run in metallic conduit or raceways when located within enclosed spaces in a building, and shall be run as follows:

Exhibit B – Local Amendments to the 2010 California Building Code

1. When run perpendicular or parallel to load bearing members, a minimum ten-inch (10”) space below roof decking or sheathing shall be maintained.

2. Where flexible metal conduit (FMC) or metal clad cable (MC) containing PV power circuit conductors is installed across ceilings or floor joists, the raceway or cable shall be protected by guard strips.

**914.3.9 Ground-mount setbacks.** Special setback requirements do not apply to ground-mounted, freestanding photovoltaic arrays. (The zoning regulations of the jurisdiction regulate setbacks between buildings, accessory structures, possibly including ground-mounted photovoltaic arrays and property lines.)

**914.3.10 Ground-mount clearances.** A clear area of ten feet (10’) around ground-mounted photovoltaic installations shall be provided.

**914.3.11 Ground-mount non-combustible base.** A gravel base or other non-combustible base, acceptable to the fire code official, shall be installed and maintained under and around all ground-mount installations.

**914.3.12 Ground-mount protection.** Fencing, skirting, or other suitable security barrier shall be installed around ground-mounted systems when required by the code official. (Security barriers are intended to protect individuals and animals from contact with energized conductors or other components.)

**914.3.13 Ground-mount fire sprinkler protection.** Fire sprinkler protection is not required for ground-mounted photovoltaic installations.

**County of Monterey Rationale:**

This local amendment will harmonize proposed amendments concerning Emergency responder safety requirements in the 2010 California Fire Code with the 2010 California Building Code.

**County of Monterey Findings:**

Monterey County finds that these amendments to section 914 of the California Building Code meet the requirements outlined in section 18941.5 of the Health and Safety Code concerning local amendments to the California Building Standards Code. It is further found that maintaining consistency between adopted model codes is necessary for the efficient application of building regulations.

Local climatic conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. During such flood

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emergencies, the local fire agency must either use alternate emergency access roads or request the assistance of other fire agencies under the California Mutual Aid System, both of which are likely to result in longer response times to the site of the emergency. During these extended response times, fires and other emergencies may continue unabated for longer periods of time. Once the fire personnel have successfully arrived at the fire scene, the prompt security of the building's utilities is vital to ensure the life safety of the fire personnel, and to remove contributing factors of gas and electricity that can sustain a fire. Buildings that have photovoltaic systems and other alternative energy-producing systems which have not been designed with these specific provisions set forth in California Building Code Section 914, are likely to sustain greater damage during fires. Unmitigated spread of fire increases the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread within the buildings and onto nearby structures requires the response of additional fire agency resources that have already been spread thin.

### Monterey County Express Findings for Local Amendments to Section 1505

**Underline** = Added Text

**~~Strikethrough~~** = Deleted Text

*Amend sub-sections 1505.1.1 and 1505.1.3 to read:*

**1505.1.1 Roof coverings within very high fire hazard severity zones and within all areas of Carmel Valley Fire Protection District, Cypress Fire Protection District and Pebble Beach Community Services District.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

**Exception:** The requirements shall not apply in any jurisdiction that adopts the model ordinance approved by the State Fire Marshal pursuant to Section 51189 of the Government Code or an ordinance that substantially conforms to the model ordinance and transmits a copy to the State Fire Marshal. In Cypress Fire Protection District and Pebble Beach Community Services District the entire roof covering of every existing structure where more than 25 percent of the total roof area is replaced within any one-year period, shall be a fire retardant roof covering that is at least Class A.

**1505.1.3 Roof coverings within all other areas of Monterey County.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class ~~C~~ B.

**Monterey County Rationale:**

This local amendment will harmonize proposed amendments concerning roofing requirements in the 2010 California Fire Code with Section 1505 of the 2010 California Building Code.

**Monterey County Findings:**

Monterey County finds that these amendments to section 1505 of the California Building Code meet the requirements outlined in section 18941.5 of the Health and Safety Code concerning local amendments to the California Building Standards Code. It is further found that maintaining consistency between adopted model codes is necessary for the efficient application of building regulations.

Local climatic conditions - Monterey County is subject to wind patterns that occur regularly in the Salinas Valley, Pajaro Valley, and within adjacent areas. These wind patterns have historically contributed to the spread of burning embers onto buildings' roofs and open brush or forested areas when fires occurred even as much as a mile away. The lack of fire retardant roof assemblies on structures in Monterey County would significantly increase the risk of the spread of fire both on the affected structure as well as structures, grasslands and forested areas nearby.

**Monterey County Express Findings for Local Amendments to Structural Sections 1604, 1704, 1710, 1901, 2101, 2301, 2304, 2305 and 2505**

**Underline = Added Text**

**~~Strikethrough~~ = Deleted Text**

*Add sub-section 1604.11 to read:*

**1604.11 Adjustments for Seismic Loading.** All structural elements of the load path for the lateral force resisting system shall consider the strength and ductility degradation caused by the dynamic nature of seismic loading. Strength of material design values established by static or monotonic loading conditions shall be reduced a minimum of twenty five percent when used to resist seismic loading unless otherwise approved by the Building Official.

*Amend sub-section 1704.4 to read:*

**1704.4 Concrete construction.** The special inspections and verifications for concrete construction shall be as required by this section and Table 1704.4. Notwithstanding any other provisions of this code, special inspection shall be required where the structural design of reinforced concrete is based on a specified compressive strength (f' c) greater than 2,500 pounds per square inch (psi).

*Amend sub-section 1710.1 to read:*

**1710.1 General.** Where required by the provisions of Section 1710.2 or 1710.3, the owner shall employ a registered design professional to perform structural observations as defined in Section 1702. Notwithstanding any other provision of this code, structural observation shall be required whenever the lateral force resisting system is constructed, altered or repaired unless otherwise approved in writing by the Building Official.

*Amend sub-section 1901.2 to read:*

**1901.2 Plain and reinforced concrete.** Structural concrete shall be designed and constructed in accordance with the requirements of this chapter and ACI 318 as amended in Section 1908 of this code. Except for the provisions of Sections 1904 and 1910, the design and construction of slabs on grade shall not be governed by this chapter unless they transmit vertical loads or lateral forces from other parts of the structure to the soil. Notwithstanding any other provision of this code, all concrete used for footings, foundations, basement and story walls, piles, pile caps, beams, structural slabs and diaphragms, frames, columns and all other structural members in all structures shall be constructed of reinforced concrete designed to resist all applicable loads. Footings shall be constructed of reinforced concrete unless otherwise approved in writing by the Building Official.

*Amend sub-section 2101.2 to read:*

**2101.2 Design methods.** Masonry shall comply with the provisions of one of the following design methods in this chapter as well as the requirements of Sections 2101 through 2104. Masonry designed by the allowable stress design provisions of Section 2101.2.1, the strength design provisions of Section 2101.2.2 or the prestressed masonry provisions of Section 2101.2.3 shall comply with Section 2105. Notwithstanding any other provision of this code, all masonry used for basement and story walls, beams, frames, columns and all other structural members in all structures shall be constructed of reinforced masonry designed to resist all applicable loads.

*Add sub-section 2301.2.1 to read:*

**2301.2.1 Design methods for conventional light-frame construction.** The design of structural members in the vertical-load-resisting system may use the provisions of Section 2308. The design of the lateral-force-resisting system for structures with shear walls and diaphragms shall use either the allowable stress design method or the load and resistance factor design method for the design of all structural elements of the load path.

*Add sub-section 2304.13 to read:*

**2304.13 Materials for shear walls and diaphragms in wood frame construction.** Shear walls and diaphragms shall be constructed of wood structural panels. Plywood sheathing used in shear walls and blocked diaphragms shall be a minimum of four-ply

construction. Shear wall materials shall be applied directly to framing members and nailed on all edges. Diaphragm materials shall be applied directly to framing members, solid lumber planking or laminated decking. Fasteners for shear walls and diaphragms shall be common nails with full heads that meet the tolerances for head, shank and length in ASTM 1667 for hand-driven nails.

*Add sub-section 2305.1.5 to read:*

**2305.1.5 Drift control.** All wood structural panel shear walls with an aspect ratio greater than one vertical unit to one horizontal unit shall demonstrate sufficient stiffness to control story drift. Shear panels with an aspect ratio that exceeds two vertical to one horizontal shall require design values for strength and stiffness established by dynamic testing. Elongation of hold down devices shall be restricted to prevent cross grain bending of sill plates. Shear walls with openings shall be designed for force transfer around the openings.

*Delete section 2505 “Shear Wall Construction” in entirety:*

**Monterey County Rationale:**

Monterey County, like most regions that border the Pacific Ocean, is a region of high seismic activity and, therefore, is subject to destructive earthquakes. The effects of an earthquake can be catastrophic, both physically and psychologically. An earthquake can destroy the natural and man-made environment in a matter of seconds, hillsides may be leveled, whole towns may be razed, and many lives may be lost.

Monterey County has a long history of high seismic activity. This activity takes the form of frequent medium earthquakes with nearby epicenters, as well as infrequent major earthquakes. In the period 1838 to 1981, over 40 earthquakes occurred which affected Monterey County. The 1906 San Francisco earthquake, centered on the San Andreas Fault, was by far the most destructive. Although most of the damage felt locally from that earthquake was centered in the City of Salinas area, damage did occur as far south as King City. Because of increased population, and the resulting increased in the Monterey County built infrastructure, future earthquakes along this fault could have greater impacts.

The San Andreas Fault zone poses the single greatest seismic hazard to the County. The maximum predicted earthquake magnitude is 8.5 on the Richter scale with a recurrence interval of 50-200 years. A portion of this fault runs through the southeastern portion of the County for approximately 30 miles. Two other active faults affecting Monterey County include the Palo Colorado-San Gregorio Fault zone and the Monterey Bay Fault zone. The Palo Colorado-San Gregorio Fault zone connects the Palo Colorado Fault near Point Sur, south of Monterey, with the San Gregorio Fault near Point Ano Nuevo in Santa Cruz County. The Monterey Bay Fault lies seaward of the City of Seaside extending northwesterly to the Pacific Ocean.

## Exhibit B – Local Amendments to the 2010 California Building Code

Recent evaluation of buildings and structures damaged by local earthquakes teach valuable lessons on what provides safe construction. First, buildings and structures must be supported by firm competent soil. This proper depth of foundation support and allowable bearing values for soils can only be determined by a soils investigation. Due to the vast area of the County, this information is not normally known and must be determined by onsite boring and testing performed as part of a soils investigation. Keeping the existing requirements of the 2007 California Building Code are important for protecting property owners from death, personal injury and excessive property damage from earthquakes.

Another important lesson learned from recent earthquakes is the need for effective quality control of construction from structural observation and special inspection. Recent surveys have demonstrated that over 40% of critical structural elements used to resist earthquakes are either missing or improperly installed. To insure these elements function as needed, the structural designer of record needs to observe the construction of buildings and structures and help assist the contractor in making sure the intended design is properly installed. Also, maintaining existing requirements for special inspection also helps insure these items are also properly installed.

Finally, for wood frame construction, recent earthquakes have demonstrated that wall bracing methods such as gypsum wallboard and plaster are too brittle to remain intact during the cyclic loading caused by earthquakes to provide support. However, plywood and oriented strand board sheathing when properly nailed with full headed nails and stiff hold-down connectors at the panel edges can successfully resist earthquakes to maintain structural stability.

Therefore, the structural local amendments include provisions to maintain the current requirements for soils investigations, use of reinforced concrete footings, continued special inspection and structural observation requirements, and promoting the use of plywood and oriented strand board sheathing on walls and floors used to resist earthquake forces.

### **Monterey County Findings:**

The seismic design criteria outlined within the California Residential Code is generally considered to be comprehensive in nature; however it covers the entire United States, with California specific amendments, and is therefore somewhat limited in detail when considering requirements at the local county section or region level. Because of the existence of several active geological features, and the recorded and well documented frequency and severity of seismic activity within Monterey County, the structural local amendments as outlined above are necessary due to local geological conditions.

**Exhibit C**  
**County of Monterey**  
**Express Findings Concerning Local Amendments to the**  
**2010 California Residential Code**  
**California Code of Regulations Title 24 Part 2.5**

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The following pages contain changes or modifications to the 2010 California Residential Code expressly marked and identified to which each express finding refers. Each express finding shows how these amendments are reasonably necessary due to local climatic, geological or topographic conditions pursuant to sections 17958.7 and 18941.5 of the Health and Safety Code.

## Monterey County Express Findings for Local Amendments to Section R313

**Underline** = Added Text

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*Amend sub-section R313.3.1.1 to read:*

**R313.3.1.1 Required sprinkler locations.** Sprinklers shall be installed to protect all areas of a dwelling unit.

**Exceptions:**

1. Attics, crawl spaces and normally unoccupied concealed spaces that do not contain fuel-fired appliances do not require sprinklers. In attics, crawl spaces and normally unoccupied concealed spaces that contain fuel-fired equipment, a sprinkler shall be installed above the equipment; however, sprinklers shall not be required in the remainder of the space.
2. ~~Clothes closets, linen closets and pantries not exceeding 24 square feet (2.2 m<sup>2</sup>) in area, with the smallest dimension not greater than 3 feet (915 mm) and having wall and ceiling surfaces of gypsum board.~~
3. ~~Bathrooms not more than 55 square feet (5.1 m<sup>2</sup>) in area.~~
4. Detached garages less than 1500 square feet in area and associated with existing non-sprinklered R-3 occupancies, earports with no habitable space above; open attached porches; unheated entry areas, such as mud rooms, that are adjacent to an exterior door; and similar areas.

**County of Monterey Rationale:**

This local amendment will harmonize proposed amendments concerning fire sprinkler requirements in the 2010 California Fire Code with Section 313 of the 2010 California Residential Code.

Automatic fire sprinkler systems have been installed in buildings within Monterey County for several decades under the criteria established by prior editions of the Uniform Fire Code, California Fire Code and property insurance underwriters. Since 1985, a comprehensive package of fire code amendments has been utilized in Monterey County, starting with a few individual fire jurisdictions. With the encouragement of the design and contracting communities in Monterey County, a group of 10 fire protection districts worked to refine these amendments to increase coordination to become increasingly similar since the 1993 adoption cycle of the California Fire Code. Currently, all independent fire districts in Monterey County have subscribed to the common amendments package based on the diverse and compelling conditions that exist within their interdependent fire jurisdictions.

Monterey County's established fire protection industry has created an environment in which property owners can very readily obtain competitive bids and prompt service by no less than a dozen different fire protection contractors who operate in the Monterey

County area. Local fire agencies have developed effective working relationships with these contractors, thereby contributing to the cost-effective design, installation, inspection, and maintenance process for fire protection systems.

Additionally, the amendments pertaining to the associated components of fire sprinkler systems are proposed after their initial adoption by the local fire districts who observed during fire responses occurring over the last several decades when fire personnel recognized that these components would have been vital for either less problematic occupant evacuation, more effective fire protection system performance, more efficient fire agency response or prompt identification of fire area locations.

**County of Monterey Findings:**

1. Local climatic conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. During such flood emergencies, the local fire agency must either use alternate emergency access roads or request the assistance of other fire agencies under the California Mutual Aid System, both of which are likely to result in longer response times to the site of the emergency. During these extended response times, fires in buildings that have not been protected with automatic fire sprinkler systems are likely to cause greater damage, thereby increasing the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread requires additional fire agency resources that have already been spread thin.

2. Local Geological Conditions - Monterey County is subject to earthquakes that have historically damaged roads normally used for emergency access requiring either that the fire agency utilize alternate access routes or that assistance is requested from other fire agencies under the California Mutual Aid System. In either case, response times to emergencies are significantly increased. During these extended response times, fires in buildings that have not been protected with automatic fire sprinkler systems are likely to cause greater damage, thereby increasing the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread requires additional fire agency resources that have already been spread thin.

**Monterey County Express Findings for Local Amendments to Section R329**

Underline = Added Text  
~~Strikethrough~~ = Deleted Text

**Add Section R329, Emergency Responder Safety Features, to read:**

**R329.1 Requirements for building- and ground-mounted photovoltaic systems.**  
Building- and ground-mounted photovoltaic systems shall be installed in conformance with R329.1.1 through R329.1.13.

**R329.1.1 Access, Pathways, and Smoke Ventilation.** Access and spacing requirements shall be observed to ensure emergency access to the roof, provide pathways for specific areas of the roof, provide for smoke ventilation opportunity areas, and to provide emergency egress from the roof.

**Exceptions.** Exceptions to the requirements in this section shall be permitted to be granted by the code official where access, pathway or ventilation requirements are reduced due to any of the following circumstances:

1. Proximity and type of adjacent exposures.
2. Alternative access opportunities, as from adjoining roofs.
3. Ground level access to the roof.
4. Adequate ventilation opportunities below solar arrays.
5. Adequate ventilation opportunities afforded by module set back from other rooftop equipment.
6. Automatic ventilation devices.
7. New technologies, methods, or other innovations that ensure adequate fire department access, pathways, and ventilation opportunities.

**R329.1.2 Less than 2-in-12 pitch.** Designation of ridge, hip, and valley does not apply to roofs with 2-in-12 or less pitch.

**R329.1.3 Measurement Conventions.** All roof dimensions shall be measured to centerlines.

**R329.1.4 Roof Access Points.** Roof access points shall be defined as areas where ladders are not placed over openings (windows or doors) and are located at strong points of building construction and in locations where they will not conflict with overhead obstructions (tree limbs, wires, or signs).

**R329.1.5 Household Systems (One- and Two-Family Dwellings).** Household systems (one- and two-family dwellings) shall comply with Sections R329.1.5.1 through R329.1.5.4.

**R329.1.5.1. Access and Pathways.** On hip roof layouts, modules shall be located in a manner that provides one (1) three foot (3') wide clear access pathway from the eave to the ridge of each roof slope where the modules

are located. The access pathway shall be located at a structurally sound location on the building, such as a bearing wall.

**Exception:** Where adjoining roof planes provide a three foot (3') wide clear access pathway.

**R329.1.5.2 Single Ridge Layouts.** Modules shall be located in a manner that provides two (2) three-foot (3') wide access pathways from the eave to the ridge on each roof slope where the modules are located.

**R329.1.5.3 Hip and Valley Layouts.** Modules shall be located no closer than one and one-half feet (1-1/2') to a hip or valley if modules are to be placed on both sides of a hip or valley. Where modules are located on only one side of a hip or valley that is of equal length, the modules shall be permitted to be placed directly adjacent to the hip or valley.

**R329.1.5.4 Ridge Setback.** The modules shall be located no higher than one and one-half feet (1-1/2') below the ridge.

**R329.1.6 Commercial Systems.** Commercial Systems shall be defined as all photovoltaic systems installed in any occupancy other than a one and two family dwellings. Commercial systems shall comply with Sections R329.1.6.1 through R329.1.6.3.

**R329.1.6.1 Alternative Requirements.** Where the code official determines that the roof configuration is similar to residential (i.e., townhouses, condominiums, or single-family attached buildings) the code official shall be permitted to make a determination to apply the requirements under Section R329.1.3.5.

**R329.1.6.2 Access.** There shall be a minimum six feet (6') wide clear perimeter around the edges of the roof.

**Exception:** If either access to the building is 250' or less, there shall be a minimum four foot (4') wide clear perimeter around the edges of the roof.

**R329.1.6.3 Pathways.** Pathways shall be established as follows:

1. Pathways shall be over structural members.
2. Centerline axis pathways shall be provided in both axes of the roof.
3. Centerline axis pathways shall run on structural members or

over the next closest structural member nearest to the center lines of the roof.

4. Pathways shall be straight line not less than four feet (4') clear to skylights, ventilation hatches, and/or roof standpipes.

5. Pathways shall provide not less than four feet (4') clear around roof access hatches with at least one not less than four foot (4') clear pathway to the parapet or roof edge.

**R329.1.7 Smoke Ventilation.** Solar arrays shall be no greater than 150 feet by 150 feet in distance in either axis. Ventilator options between array sections shall be:

1. A pathway eight feet (8') or greater in width.

2. A pathway four feet (4') or greater in width and bordering on existing roof skylights or ventilation hatches.

3. a pathway four feet (4') or greater in width and bordering four foot by eight foot (4' X 8) "venting cutouts" every twenty feet (20') on alternating sides of the pathway.

**R329.1.8 Location of direct current conductors.** Direct current conductors shall be installed in compliance with R329.1.8.1 through R329.1.8.4.

**R329.1.8.1 Exterior mounted direct current conductors:** Exterior mounted Direct Current conduits, wiring systems and raceways for photovoltaic circuits shall be located as close as possible to the ridge, hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.

**R329.1.8.2 Conduit runs.** Conduit runs between sub-arrays and to direct current combiner boxes shall use design guidelines that minimize the total amount of conduit by taking the shortest path from the array to the direct current combiner box.

**R329.1.8.3 Location of combiner boxes.** Direct current combiner boxes shall be located so that conduit runs are minimized in the pathways between arrays.

**R329.1.8.4 Metallic conduit required.** Direct Current wiring shall be run in metallic conduit or raceways when located within enclosed spaces in a building, and shall be run as follows:

Exhibit C – Local Amendments to the 2010 California Residential Code

1. When run perpendicular or parallel to load bearing members, a minimum ten-inch (10”) space below roof decking or sheathing shall be maintained.

2. Where flexible metal conduit (FMC) or metal clad cable (MC) containing PV power circuit conductors is installed across ceilings or floor joists, the raceway or cable shall be protected by guard strips.

**R329.1.9 Ground-mount setbacks.** Special setback requirements do not apply to ground-mounted, freestanding photovoltaic arrays. (The zoning regulations of the jurisdiction regulate setbacks between buildings, accessory structures, possibly including ground-mounted photovoltaic arrays and property lines.)

**R329.1.10 Ground-mount clearances.** A clear area of ten feet (10’) around ground-mounted photovoltaic installations shall be provided.

**R329.1.11 Ground-mount non-combustible base.** A gravel base or other non-combustible base, acceptable to the fire code official, shall be installed and maintained under and around all ground-mount installations.

**R329.1.12 Ground-mount protection.** Fencing, skirting, or other suitable security barrier shall be installed around ground-mounted systems when required by the code official. (Security barriers are intended to protect individuals and animals from contact with energized conductors or other components.)

**R329.1.13 Ground-mount fire sprinkler protection.** Fire sprinkler protection is not required for ground-mounted photovoltaic installations.

**County of Monterey Rationale:**

This local amendment will harmonize proposed amendments concerning emergency responder safety requirements in the 2010 California Fire Code with Section 329 of the 2010 California Residential Code.

**County of Monterey Findings:**

Monterey County finds that additional section 329 of the California Residential Code meets the requirements outlined in section 18941.5 of the Health and Safety Code concerning local amendments to the California Building Standards Code. It is further found that maintaining consistency between adopted model codes is necessary for the efficient application of building regulations.

Local climatic conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. During such flood

emergencies, the local fire agency must either use alternate emergency access roads or request the assistance of other fire agencies under the California Mutual Aid System, both of which are likely to result in longer response times to the site of the emergency. During these extended response times, fires and other emergencies may continue unabated for longer periods of time. Once the fire personnel have successfully arrived at the fire scene, the prompt security of the building's utilities is vital to ensure the life safety of the fire personnel, and to remove contributing factors of gas and electricity that can sustain a fire. Buildings that have photovoltaic systems and other alternative energy-producing systems which have not been designed with these specific provisions set forth in California Residential Code Section 329, are likely to sustain greater damage during fires. Unmitigated spread of fire increases the chance of injury or death for both building occupants and responding fire personnel. Additionally, the advancement of fire spread within the buildings and onto nearby structures requires the response of additional fire agency resources that have already been spread thin.

### **Monterey County Express Findings for Local Amendments to Section R902**

**Underline = Added Text**

**~~Strikethrough~~ = Deleted Text**

*Amend sub-sections R902.1.1 and R902.1.3 to read:*

**R902.1.1 Roof coverings within very high fire hazard severity zones and within all areas of Carmel Valley Fire Protection District, Cypress Fire Protection District and Pebble Beach Community Services District.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

**Exception:** The requirements shall not apply in any jurisdiction that adopts the model ordinance approved by the State Fire Marshal pursuant to Section 51189 of the Government Code or an ordinance that substantially conforms to the model ordinance and transmits a copy to the State Fire Marshal. In Cypress Fire Protection District and Pebble Beach Community Services District the entire roof covering of every existing structure where more than 25 percent of the total roof area is replaced within any one-year period, shall be a fire retardant roof covering that is at least Class A.

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

**County of Monterey Rationale:**

This local amendment will harmonize proposed amendments concerning roofing requirements in the 2010 California Fire Code with Section R902 of the 2010 California Residential Code.

**County of Monterey Findings:**

Monterey County finds that these amendments to section R902 of the California Residential Code meet the requirements outlined in section 18941.5 of the Health and Safety Code concerning local amendments to the California Building Standards Code. It is further found that maintaining consistency between adopted model codes is necessary for the efficient application of building regulations.

Local climatic conditions - Monterey County is subject to wind patterns that occur regularly in the Salinas Valley, Pajaro Valley, and within adjacent areas. These wind patterns have historically contributed to the spread of burning embers onto buildings' roofs and open brush or forested areas when fires occurred even as much as a mile away. The lack of fire retardant roof assemblies on structures in Monterey County would significantly increase the risk of the spread of fire both on the affected structure as well as structures, grasslands and forested areas nearby.

**Monterey County Express Findings for Structural Local Amendments to Sections R109, R301, R401 and R403**

Underline = Added Text

~~Strikethrough~~ = Deleted Text

*Amend sub-section R109.1.5.2 to read:*

**R109.1.5.2 Special Inspections.** For special inspections see California Building Code, Chapter 17. Special inspection shall be required where the structural design of reinforced concrete is based on a specified compressive strength (f<sub>c</sub>) greater than 2,500 pounds per square inch (psi).

*Add new sub-section R109.1.5.3 to read:*

**R109.1.5.3 Structural Observation.** Structural observation shall be required whenever the lateral force resisting system is constructed, altered or repaired unless otherwise approved by the Building Official for work of a minor nature.

*Amend sub-section R301.1 to read:*

**R301.1 Application.** Buildings and structures, and all parts thereof, shall be constructed to safely support all loads, including dead loads, live loads, roof loads, flood

loads, snow loads, wind loads and seismic loads as prescribed by this code. The construction of buildings and structures in accordance with the provisions of this code shall result in a system that provides a complete load path that meets all requirements for the transfer of all loads from their point of origin through the load-resisting elements to the foundation. Buildings and structures constructed as prescribed by this code are deemed to comply with the requirements of this section. For light-frame construction, the design of structural members in the vertical-load-resisting system may use the provisions of Section 2308 in the California Building Code. The design of the lateral-force-resisting system for structures with wood shear walls and diaphragms shall use either the allowable stress design method or the load and resistance factor design method for the design of all structural elements of the load path. For adjustments concerning seismic loading, all structural elements of the load path for the lateral force resisting system shall consider the strength and ductility degradation caused by the dynamic nature of seismic loading. Strength of material design values established by static or monotonic loading conditions shall be reduced a minimum of twenty five percent when used to resist seismic loading unless otherwise approved by the Building Official.

**Delete subsection R301.1.1 in its entirety.**

*Add new sub-sections R301.9, R301.10, R301.11, and R301.12 to read:*

**R301.9 Use of reinforced concrete.** All concrete used for footings, foundation, basement and story walls, piles, pile caps, beams, structural slabs and diaphragms, frames, columns and all other structural members in all structures shall be constructed of reinforced concrete designed to resist all applicable loads.

**R301.10 Use of reinforced masonry.** All masonry used for basement and story walls, beams, frames, columns and all other structural members in all structures shall be constructed of reinforced masonry designed to resist all applicable loads.

**R301.11 Materials for shear walls and diaphragms in wood framed construction.** Shear walls and diaphragms shall be constructed of wood structural panels. Plywood sheathing used in shear walls and blocked diaphragms shall be a minimum of four-ply construction. Shear wall materials shall be applied directly to framing members and be nailed on all edges. Diaphragm materials shall be applied directly to framing members, solid lumber planking or laminated decking. Fasteners for shear walls and diaphragms shall be common nails with full heads that meet the tolerances for head, shank and length in ASTM 1667 for hand-driven nails.

**R301.12 Drift control.** All wood structural panel shear walls with an aspect ratio greater than one vertical unit to one horizontal unit shall demonstrate sufficient stiffness to control story drift. Shear panels with an aspect ratio that exceeds two vertical to one horizontal shall require design values for strength and stiffness established by dynamic testing. Elongation of hold down devices shall be restricted to prevent cross grain bending of sill plates. Shear walls with openings shall be designed for force transfer around the openings.

*Amend sub-section R401.4 to read:*

**R401.4 Soils tests.** ~~Where quantifiable data created by accepted soil science methodologies indicate expansive, compressible, shifting or other questionable soil characteristics are likely to be present, the building official shall determine whether to require a soil test to determine the soil's characteristics at a particular location. This test shall be done by an approved agency using an approved method.~~ Geotechnical investigations shall be conducted in accordance with the requirements of Section 1803 of the 2010 California Building Code.

*Amend sub-section R403.1 to read:*

**R403.1 General.** All exterior walls shall be supported on ~~continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems~~ which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332. Footings shall be constructed of reinforced concrete unless otherwise approved in writing by the Building Official.

**Monterey County Rationale:**

Monterey County, like most regions that border the Pacific Ocean, is a region of high seismic activity and, therefore, is subject to destructive earthquakes. The effects of an earthquake can be catastrophic, both physically and psychologically. An earthquake can destroy the natural and man-made environment in a matter of seconds, hillsides may be leveled, whole towns may be razed, and many lives may be lost.

Monterey County has a long history of high seismic activity. This activity takes the form of frequent medium earthquakes with nearby epicenters, as well as infrequent major earthquakes. In the period 1838 to 1981, over 40 earthquakes occurred which affected Monterey County. The 1906 San Francisco earthquake, centered on the San Andreas Fault, was by far the most destructive. Although most of the damage felt locally from that earthquake was centered in the City of Salinas area, damage did occur as far south as King City. Because of increased population, and the resulting increased in the Monterey County built infrastructure, future earthquakes along this fault could have greater impacts.

The San Andreas Fault zone poses the single greatest seismic hazard to the County. The maximum predicted earthquake magnitude is 8.5 on the Richter scale with a recurrence interval of 50-200 years. A portion of this fault runs through the southeastern portion of the County for approximately 30 miles. Two other active faults affecting Monterey County include the Palo Colorado-San Gregorio Fault zone and the Monterey Bay Fault

zone. The Palo Colorado-San Gregorio Fault zone connects the Palo Colorado Fault near Point Sur, south of Monterey, with the San Gregorio Fault near Point Ano Nuevo in Santa Cruz County. The Monterey Bay Fault lies seaward of the City of Seaside extending northwesterly to the Pacific Ocean.

Recent evaluation of buildings and structures damaged by local earthquakes teach valuable lessons on what provides safe construction. First, buildings and structures must be supported by firm competent soil. This proper depth of foundation support and allowable bearing values for soils can only be determined by a soils investigation. Due to the vast area of the County, this information is not normally known and must be determined by onsite boring and testing performed as part of a soils investigation. Keeping the existing requirements of the 2007 California Building Code are important for protecting property owners from death, personal injury and excessive property damage from earthquakes.

Another important lesson learned from recent earthquakes is the need for effective quality control of construction from structural observation and special inspection. Recent surveys have demonstrated that over 40% of critical structural elements used to resist earthquakes are either missing or improperly installed. To insure these elements function as needed, the structural designer of record needs to observe the construction of buildings and structures and help assist the contractor in making sure the intended design is properly installed. Also, maintaining existing requirements for special inspection also helps insure these items are also properly installed.

Finally, for wood frame construction, recent earthquakes have demonstrated that brittle wall bracing methods such as gypsum wallboard and plaster are too brittle to remain intact during the cyclic loading caused by earthquakes to provide support. However, plywood and oriented strand board sheathing when properly nailed with full headed nails and stiff hold-down connectors at the panel edges can successfully resist earthquakes to maintain structural stability.

Therefore, the structural local amendments include provisions to maintain the current requirements for soils investigations, use of reinforced concrete footings, continued special inspection and structural observation requirements, and promoting the use of plywood and oriented strand board sheathing on walls and floors used to resist earthquake forces.

#### **Monterey County Findings:**

The seismic design criteria outlined within the California Residential Code is generally considered to be comprehensive in nature; however it covers the entire United States, with California specific amendments, and is therefore somewhat limited in detail when considering requirements at the local county section or region level. Because of the existence of several active geological features, and the recorded and well documented frequency and severity of seismic activity within Monterey County, the structural local amendments as outlined above are necessary due to local geological conditions.

**Exhibit D**  
**County of Monterey**  
**Express Findings Concerning Local Amendments to the**  
**2010 California Electrical Code**  
**California Code of Regulations Title 24 Part 3**

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| <b>Amended Article Number</b> | <b>Page No.</b> |
| 1. Article 690                | D-2             |

The following pages contain changes or modifications to the 2010 California Electrical Code expressly marked and identified to which each express finding refers. Each express finding shows how these amendments are reasonably necessary due to local climatic, geological or topographic conditions pursuant to sections 17958.7 and 18941.5 of the Health and Safety Code.

**Monterey County Express Findings for Local Amendments to Article 690**

**Underline** = Added text.

*Amend Article 690 - Solar Photovoltaic Systems - by adding the following sub-sections:*

**690.56 Identification of Power Sources.**

**(C) Main Panel Exterior Marking.** A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 3/4" in height and in a non-serif font, to read "SOLAR DISCONNECT INSIDE PANEL." The placard shall be constructed of weather-resistant, durable plastic with engraved letters, or other approved material.

**(D) Circuit Disconnecting Means Marking.** A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8" in height and in a non-serif font, to read "SOLAR DISCONNECT." The label shall be constructed of durable adhesive material or other approved material.

**(E) Marking.** Marking is required on all interior and exterior direct current (DC) conduits, raceways, enclosures, cable assemblies, and junction boxes.

**(1) Marking Locations.** Marking shall be placed on all DC conduits, raceways, enclosures, and cable assemblies every ten feet (10'), at turns and above and below penetrations. Marking shall also be placed on all DC combiner and junction boxes.

**(2) Marking Content and Format.** Marking for DC conduits, raceways, enclosures, cable assemblies and junction boxes shall be red with white lettering with minimum 3/8" capital letters in a non-serif font, to read "WARNING: SOLAR CIRCUIT". Marking shall be reflective, weather resistant, and suitable for the environment. Materials used should be in compliance with UL Standard 969.

**(F) Secondary Power Sources.** Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the fire code official shall be required indicating the location of the secondary power source shutoff switch.

**(G) Installer Information.** Signage acceptable to the fire code official indicating the name and emergency telephone number of the installing contractor shall be required to be installed adjacent to the main disconnect.

**(H) AC Photovoltaic Systems.** AC Photovoltaic Systems shall be marked as specified in this section.

(1) Main Panel Exterior Marking. A placard is required to be permanently affixed to the car service disconnect panel. The placard shall be red in color with white capital letters at least 3/4” in height and in a non-serif font, to read “SOLAR DISCONNECT INSIDE PANEL.” The placard shall be constructed of weather resistant, durable plastic with engraved letters, or other approved material.

(2) Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8” in height and in a non-serif font, to read “SOLAR DISCONNECT.” The label shall be constructed of durable adhesive material or other approved material.

**County of Monterey Rationale:**

This local amendment will harmonize proposed amendments concerning photovoltaic power systems in the 2010 California Fire Code with Article 690 of the 2010 California Electrical Code.

**County of Monterey Findings:**

Monterey County finds that these amendments to article 690 of the California Electrical Code meet the requirements outlined in section 18941.5 of the Health and Safety Code concerning local amendments to the California Building Standards Code, in that they support similar local amendments proposed for the California Electrical Code. It is further found that maintaining consistency between adopted model codes is necessary for the efficient application of building regulations.

Local climatic conditions - Monterey County is subject to localized and widespread floods that have historically isolated areas of the county from others, preventing timely, effective emergency response for the duration of the flood emergency. During such flood emergencies, the local fire agency must either use alternate emergency access roads or request the assistance of other fire agencies under the California Mutual Aid System, both of which are likely to result in longer response times to the site of the emergency. During these extended response times, fires and other emergencies may continue unabated for longer periods of time. Once the fire personnel have successfully arrived at the fire scene, the prompt security of the building's utilities is vital to ensure the life safety of the fire personnel, and to remove contributing factors of gas and electricity that can sustain a fire. Buildings that have photovoltaic systems and other alternative energy-producing systems which have not been designed with these specific provisions set forth in Appendix M, are likely to sustain greater damage during fires. Unmitigated spread of fire increases the chance of injury or death for both building occupants and responding fire personnel.

**Exhibit E**  
**County of Monterey**  
**Express Findings Concerning Local Amendments to the**  
**2010 California Plumbing Code**  
**California Code of Regulations Title 24 Part 5**

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| <b>Amended Subsection Number</b> | <b>Page No.</b> |
| 1. 402.2.3                       | E-2             |
| 2. 402.4                         | E-2             |
| 3. 402.7                         | E-2             |
| 4. 608.2.1                       | E-2             |

The following pages contain changes or modifications to the 2010 California Plumbing Code expressly marked and identified to which each express finding refers. Each express finding shows how these amendments are reasonably necessary due to local climatic, geological or topographic conditions pursuant to sections 17958.7 and 18941.5 of the Health and Safety Code.

**Monterey County Express Findings for Local Amendments to Subsections 402.2.3, 402.4, 402.7 and 608.2.1**

**Underline** = Added text.

*Add new subsection 402.2.3 to read:*

**402.2.3 Change of ownership.** In accordance with Monterey County Code Chapter 18.44, in all unincorporated areas of the Monterey County lying within the California American Water Service Company all existing residential and commercial structures shall, at the time of change of new ownership or change of use, be retrofitted, if not already so, with ultra low flow toilets with a maximum tank size or flush capacity of one and one-half gallons, and shower heads with a maximum flow capacity of two and one-half gallons per minute. Previously installed toilets with fixtures using a maximum of three and one-half gallons per flush shall be exempted from these provisions provided those toilets are fitted with a toilet water-use reduction device capable of reducing flow by at least one gallon per flush.

*Amend subsection 402.4 to read:*

**402.4 Metering Faucets.** Self-closing or self-closing metering faucets shall be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants, and convention halls. Metered faucets shall deliver a maximum of 0.26 gallons (1.0 liter) of water per use. Within the unincorporated area of the County of Monterey lying in Zone No. 11 of the Monterey County Flood Control and Water Conservation District, newly constructed or reconstructed commercial, industrial or public buildings shall have water metering faucets installed in accordance with this section, and Monterey County Code Chapter 15.12.

*Add new subsections 402.7 and 608.2.1 to read:*

**402.7 Ornamental Fountains, Permanent Swimming and Wading Pools.** Within the unincorporated area of the County of Monterey lying in Zone No. 11 of the Monterey County Flood Control and Water Conservation District, every existing and newly constructed or reconstructed ornamental fountain, permanent swimming or wading pool or similar structure, shall employ a water recirculation and treatment system which does not use discharge of water as a means of maintaining the water condition in accordance with Monterey County Code Chapter 15.12.

**608.2.1 Additional Excessive Water Pressure Requirements.** Within the unincorporated area of the County of Monterey lying in Zone No. 11 of the Monterey County Flood Control and Water Conservation District, newly constructed or reconstructed residential, commercial, industrial or public buildings shall be fitted with water pressure reducing devices limiting the water supply pressure to fifty pounds per square inch or less, in accordance with Monterey County Code Chapter 15.12.

**County of Monterey Rationale:**

Water supply problems have existed historically in various portions of Monterey County. For these reasons, Monterey County has adopted residential and commercial water conservation ordinances codified in Chapters 15.12 (Water Conservation), 18.44 (Residential and Commercial Water Conservation Measures) and 18.50 (Residential, Commercial and Industrial Water Conservation Measures) of the Monterey County Code. The foregoing local amendments harmonize these existing water conservation measures with the 2010 California Plumbing Code. These amendments will also help insure the continued availability of water resources and safeguard the public health and welfare related to safe drinking water and public sanitation.

**County of Monterey Findings:**

Local climatic and geolocial conditions. Some portions of Monterey County have a relatively shallow aquifer that does not provide adequate storage of ground water in quantities appropriate to meet the needs of the adjacent population. Due to the amount of rainfall within the region, the allowable withdrawal of water from adjacent rivers is limited. It has therefore become necessary to conserve water usage by implimenting conservation measures in addition to those already found within the 2010 California Plumbing Code.