

## CALIFORNIA BUILDING STANDARDS COMMISSION

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



December 9, 2010

Glenn Schainblatt, Building Official  
City of Sebastopol Building Department  
7425 Bodega Avenue  
Sebastopol, CA 95472

Dear Mr. Schainblatt,

This is to acknowledge receipt of the City of Sebastopol submittal pertaining to Ordinance No. 1039 with findings on October 27, 2010. As the law states, no local modification or change to the California Building Standards Code (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.

It appears that your submittal includes amendments to energy efficiency standards. Local amendments exceeding energy efficiency standards are not enforceable until a finding is made by the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2) and Title 24, Part 1, Section 10-106. A copy of this letter is being sent to the Energy Commission for their information. The remainder of your submittal has been filed in our office as of the date noted above.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Building Standards Commission in order to become effective 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 Building Standards Commission.

This letter attests only to the filing of these local modifications with the Building Standards Commission, which is not authorized by law to determine the merit of the filing. The filing of the energy efficiency standards portion of this ordinance will not be complete without the approval of the California Energy Commission. If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

  
Jane G. Taylor  
Senior Architect

cc: Joe Loyer, California Energy Commission  
Chron  
Local Filings



# City of Sebastopol Building Department

7425 Bodega Ave., Sebastopol, CA 95472  
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October 22, 2010

California Building Standards Commission  
2525 Natomas Park Dr., Suite 120  
Sacramento, California 95833

RE: City of Sebastopol, Building, Fire and Grading Ordinance

Mr. Dave Walls:

The City of Sebastopol has adopted the current Building, Fire, Plumbing, Mechanical, and Electrical Codes of the State of California.

The City of Sebastopol has recommended changes and modifications to the Codes and have advised that certain said changes and modifications to the 2010 Editions of the California Building, Fire, Residential, Plumbing, Mechanical, Electrical, Energy and Green Building Standards Codes are reasonably necessary due to local conditions in the City of Sebastopol and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by then Code or are reasonably necessary to safeguard life and property within the City of Sebastopol.

The enclosed City Ordinances are for your files.

If additional information is desired please telephone this office at 707 823 8597.

Respectfully,

Glenn Schainblatt

Building Official

John Zanzi  
Fire Chief

2010 OCT 27 A 10:20  
CALIFORNIA BUILDING  
STANDARDS COMMISSION



## **ORDINANCE NO. 1039**

An Ordinance of the City Council of Sebastopol; providing for the protection of the public health, safety, and welfare: providing for the repeal of Ordinance No. 1007 and adopting by reference the 2010 Edition of the California Building Code parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 as published by the International Code Council, The California Code of Regulations (CCR), Title 24, Parts 1,2,3,4,5,6,8,9,10, 11 and 12 of the 2010 Edition as published by the California Building Standards Commission (CBSC), The 2009 Edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, The 2008 Edition of the National Electrical Code as published by the National Fire Protection Association, the 2009 Edition of the Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials. The 2009 edition of the International Property Maintenance code as published by the International Code Council. Adopt by reference The 2009 Edition of the National Fire Protection Association Fire Codes, providing for the issuance of permits and collection of fees thereof: together with amendments and additions to the various codes; providing penalties for the violation thereof and repealing all ordinances in conflict therewith. Adopt by reference The 2010 International Fire Code containing regulations promulgated by the State Fire Marshal (SFM) regarding the prevention of fire and for the protection of life and property against fire and panic in any building including all appendices, errata and supplements thereto, as published by the CBSC applicable to the 2010 California Building Code with amendments, additions and or deletions as promulgated by the Sebastopol City Council. Amending City of Sebastopol Municipal Code Chapter 15 sections 15.04, 15.08, 15.10, 15.74 and repeal of Chapter 17.04 section 100.

### **A. Recitals.**

- (i) **Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code § 50020, et.Seq.** Requires a local agency to take legislative action by ordinance to adopt by reference the most current edition of the California Building Codes & International Codes, and the Uniform Codes.
- (ii) **Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, § 50022.6** requires that at least one copy of the primary adopted code shall be filed with the office of the city clerk of the legislative body at least 15 days preceding the hearing and shall be kept there for public viewing while the ordinance is in force.
- (iii) **Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, §50022.3** requires that after the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the legislative body shall schedule a public hearing thereon.

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

### **B. Ordinance.**

Now THEREFORE, the City Council of the City of Sebastopol does hereby find, determine and ordain as follows:

**SECTION 1.** In all aspects, as set forth the Recitals, Part A, of this Ordinance.

**SECTION 2.** One (1) certified copy of each of the Codes so adopted, along with any Amendment thereto, shall be kept on file for the use and examination by the public and located at the Sonoma County Public Library, Sebastopol Branch in the City of Sebastopol.

**SECTION 3.** Adoption of **California Code Of Regulations Title 24, Part 1: California Administrative Code.** 2010 Edition, as published by the California Building Standards Commission.

**SECTION 4.** Adoption of **California Code of Regulations Title-24 Part 2 Volume 1 and 2** and the current edition of the International Building Code, the 2009 Edition Volumes 1, and 2 thereof as published by the International Code Council with the following amendments:

1. **Chapter 1 Section 105.2, exception 1.** Shall be revised to read as follows: One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet, (11.15m<sup>2</sup>). The height of the one story detached accessory building shall not exceed 12 feet at any point or as specified by local zoning ordinance.
2. **Chapter 1 Section 105.2, exception 6.** Platforms, decks, sidewalks, and driveways not more than 30 inches (762mm) above adjacent grade, not over any basement or story below and are not part of an accessible route.
3. **Chapter 1 Section 109.4** Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
4. **Chapter 1 Section 109.7** Re inspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.  
This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.  
Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector. For failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.  
  
To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Table 1 or as set forth in the fee schedule adopted by the jurisdiction.  
In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.
5. **Chapter 1 Section 109.8 Violation penalties.** Any persons who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

**Add new section:**

**Section 1511**  
**Solar Photovoltaic Panels/Modules**

**1511.1 Solar photovoltaic panels/modules.** Solar photovoltaic panels/modules installed upon a roof or as an integral part of a roof assembly shall comply with the requirements of this code and the *California Fire Code*.

**1511.1.1 Structural fire-resistance.** The structural frame and roof construction supporting the load imposed upon the roof by the photovoltaic panels/modules shall comply with the requirements of Table 601.

Add new section

**Section 3111**  
**Solar Photovoltaic Panels/Modules**

**3111.1 Solar photovoltaic panels/modules.** Solar photovoltaic panels/modules shall comply with the requirements of this code and the *California Fire Code*.

Add as a new subsection to Section 3401:

**3401.4 Alternative compliance.** Work performed in accordance with the *International Existing Building Code* shall be deemed to comply with the provisions of this chapter.

**Appendix Chapter J of the California Building Code, 2010 Edition, is hereby adopted with the following amendments:**

- A. Insofar as they apply to the permitting of work regulated by this Ordinance, the Organization and Enforcement of this Ordinance shall be as set forth in Section 104 Chapter 1 of the California Building Code, 2010 Edition, with the exception that the City Engineer shall be the designated code enforcement officer and shall have all the powers and duties ascribed to the building official therein.
- B. All references in Appendix Chapter J to the Building Official are hereby amended to refer to the City Engineer.
- C. Notwithstanding A. and B. above, demolition permits shall remain under the authority of the Building Official.

**Appendix Chapter J, Section J 103,** is hereby amended to include the Grading Permit Application Requirements adopted by a separate resolution of the City Council. In the case of any discrepancies between the provisions of this Ordinance including the Code sections adopted by reference herein, and the Grading Permit Application Requirements, the latter shall supersede.

**Appendix Chapter J, Section J 102, is hereby amended to read as follows:**

**Engineered Grading** - Grading in excess of 500 cubic yards (382 cubic meters), and /or grading performed as part of a subdivision, and/or grading performed within two feet (2') of a property line shall be performed in accordance with the approved grading plan prepared by a civil engineer.

**Regular Grading** - Grading involving less than 500 cubic yards and not meeting either of the other two conditions listed above. Unless the permittee chooses to have the grading performed as engineered grading, or the City Engineer determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

In addition to the provisions of Section 106, A grading plan shall be prepared by a registered civil engineer, and shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform with the requirements of this code.

**Section J 110, Erosion Control, is hereby amended to include the following:**

Erosion control and sediment control plans are required for the following:

1. Grading operations performed between October 1<sup>st</sup> and April 15<sup>th</sup>.
2. Grading along Calder Creek or Zimpher Creek or their tributaries, or on lands that discharge drainage directly to the Laguna de Santa Rosa
3. Grading on hillsides with a slope of 10% or greater.

Erosion control plans shall reference and be in conformance with the "Erosion and Sediment Control Field Manual" published by the San Francisco Regional Water Quality Control Board, and the State Water Quality Control Board Construction General Permit (WQO 99-08-DWQ or latest adopted order)

With respect to the activities regulated by this Ordinance (i.e., Excavation, Grading and Earthwork Construction, CBC Section 112 (incorporated herein by reference) is hereby amended to include the following language.

The Sebastopol Design Review Board is hereby designated by the City Council as the board of appeals for activities regulated by this Ordinance.

**SECTION 5. Adoption of California Code Of Regulations Title 24, Part 2.5: California Residential Building Code.** 2009 Edition as published by the International Conference of Building Officials, with the following amendments:

**Section 105.2 Part II is adopted with the following amendments**

1. **Chapter 1 Section 105.2, exception 1.** Shall be revised to read as follows: One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet, (1 1.15m<sup>2</sup>). The height of the one story detached accessory building shall not exceed 12 feet at any point or as specified by local zoning ordinance.
2. **Chapter 1 Section 10.5.2, exception 6.** Platforms, decks, sidewalks, and driveways not more than 30 inches (762mm) above adjacent grade, not over any basement or story below and are not part of an accessible route.
3. **Chapter 1 Section 108.6** Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee establish by the building official that shall be in addition to

the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

#### **Add New Section**

4. **Chapter 1 Section 108.7 Reinspections.** A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector. For failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Table 1 or as set forth in the fee schedule adopted by the jurisdiction.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

#### **Add New Section**

5. **Chapter 1 Section 108.8 Violation penalties.** Any persons who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

#### **Add new section**

##### **Section R908 Solar Photovoltaic Panels/Modules**

**R908.1 Solar photovoltaic panels/modules.** Solar photovoltaic panels/modules shall comply with the requirements of this code and the California Fire Code.

**R313.2 has been amended to read:**

**R313.2 Where Required.** An automatic sprinkler system shall be installed and maintained in all newly constructed buildings throughout.

**Exceptions:**

- i. Detached Group U occupancies 1,000 sq. ft. or less. Agricultural exempt buildings and agricultural buildings as approved by the Fire Code Official.
- ii. Detached pool houses up to 1,000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
- iii. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities or connections for such facilities.
- iv. Car ports of non-combustible construction.

**R313.2.2 Additions.**

**Additions-Residential.** Additions to existing residential buildings that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition per section R313.2

**Section 313.2.3 is added to read**

**R313.2.3 Alterations and remodels.**

**Remodels, Alterations, or Repairs.** All existing buildings and facilities when remodels, alterations or structural repairs are made involving demolition, remodel, or repair of more than 50% of the structure or when the total cost of remodels, alterations or structural repairs, exceeds the valuation threshold of \$50,000, based on January 1981, "ENR US20 Cities" Average construction Cost Index of 3372.02 (Engineering News Record, McGraw Hill Publishing Company) shall meet the requirements for a newly constructed building. The enforcing agency shall annually update the valuation threshold to a current amount based on the increase in the index since the last figure used. (For example, the January 2010 amount is \$128,410.86)

**SECTION 6.** Adoption of the **California Code of Regulations Title 24, Part 3: The California Electrical Code**, 2008 Edition, as published by National Fire Protection Agency.

**SECTION 7.** Adoption of the **California Code of Regulations Title 24, Part 4: The California Mechanical Code**, 2009 Edition, as published by the International Association of Plumbing & Mechanical Officials, with the following amendments: Appendix Chapter D.

**SECTION 8.** Adoption of **California Code of Regulations Title 24, Part 5: The California Plumbing Code**, 2009 Edition and appendices thereof as published by the International Association of Plumbing & Mechanical Officials with the following amendments: Appendix Chapters A, D, and I

**SECTION 9 .** Adoption of **California Code Of Regulations Title 24, Part 6: California Energy Code**. 2010 Edition, as published by the International Conference of Building Officials.

**SECTION 10.** Adoption of **California Code Of Regulations Title 24, Part 8: California Historical Building Code**. 2010 Edition, as published by the California Building Standards Commission.

**SECTION 11.** Adoption of the **California Code of Regulations Title 24, Part 9 2010 California Fire Code** and the 2009 International Fire Code, Appendix Chapters B, C, and D. with the following amendments.

## **Chapter 1 ADMINISTRATION**

**Section 101.1** Shall be revised to read: These regulations shall be known as the *Fire Code of the City of Sebastopol*, hereinafter referred to as “this code”

### **ADD New Section**

**Section 104.2.1 Application for Permit Fees:**All applications for a permit required by this Code shall be made to the Bureau of Fire Prevention in such form and detail, as it shall prescribe. Applications for permits shall be accompanied such plans as are required by the Bureau. The City Council may establish fees by resolution for permit applications.

### **ADD New Section**

**105.7.14 Solar photovoltaic power systems.** A construction permit is required to install or modify Solar photovoltaic power systems.

### **ADD New Section**

**.Section 109.3.2 Citations.** The Chief is authorized to issue a citation to persons operating or maintaining an occupancy, premise, or vehicle subject to this code, who allows a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises, or vehicle when ordered or notified to do so.

## **Chapter 2 DEFINITIONS**

**Section 202** Wherever the word “jurisdiction” is used in the 2010 California Fire Code and 2009 International Fire Code, it shall be understand to mean that the City of Sebastopol is the local fire authority having jurisdiction (AHJ).

**Section 202** Where the party responsible for the enforcement of the 2010 California Fire Code and 2009 International Fire Code is given the title of “fire marshal,” add the following definition:

**FIRE MARSHAL** is the chief of the bureau of fire prevention

### **Amend Chapter 3 General Precautions to read:**

**Section 307.1.2 is added to read Open Burning.** Open burning within the City limits of Sebastopol, including incinerators of all types, is prohibited, except for agricultural burning permitted by the Bay Area Air Quality Management District.

EXCEPTION: Barbecues used for cooking purposes, provided the barbecues shall not be used for burning rubbish, paper, boxes, grass, brush or other combustible items, except charcoal, natural gas or other materials commonly used in barbecues for cooking purposes.

### **Section 304.1.2.1 is added to read:**

**304.1.2.1 Vegetation non developed parcel.** Any parcel that is next to a developed parcel and is a threat to a structure shall be required to maintain a minimum 20 feet of clearance on the property line adjacent to the structure.

Exemptions: When approved by the Fire Code Official or if a hazard does not exist

### **Amend CHAPTER 5 FIRE SERVICE FEATURES to read as follows:**

**Section 505.1.1 is amended to read:**

**505.1.1 Size and Width.**

- i. Commercial Buildings shall be 12" inches in height with 1" inch (24.5mm) stroke. Suite Numbers shall be six (6") inches in height and ½ inches (12.7mm) stroke.
- ii. Residential Buildings shall be 4" inches in height and 3/8 inches (9.525mm) stroke.  
Exception: All sizes can be reduced with the approval of the fire code official.

**Add new section:**

**605.11 SOLAR PHOTOVOLTAIC POWER SYSTEMS**

Solar photovoltaic power systems shall be installed in accordance with this code, the California Building Code and California Electric Code.

**Exception:** Detached Group U non-habitable structures such as parking shade structures, carports, solar trellises, and similar type structures are not subject to the requirements of this section.

**605.11.1 Marking.** Marking is required on all interior and exterior dc conduit, enclosures, raceways, cable assemblies, junction boxes, combiner boxes, and disconnects.

**605.11.1.1 Materials.** The materials used for marking shall be reflective, weather resistant and suitable for the environment. Marking as required in sections 605.11.1.1 through 605.11.1.4 shall have all letters capitalized with a minimum height of 3/8 inch (9.5 mm) white on red background.

**605.11.1.2 Marking content and format.** The marking shall contain the words "WARNING: PHOTOVOLTAIC POWER SOURCE"

**605.11.1.3 Main service disconnect.** The marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the disconnect is operated.

**605.11.1.4 Location of Marking.** Marking shall be placed on all interior and exterior dc conduit, raceways, enclosures and cable assemblies every 10 feet (3048 mm) within 1 foot (305 mm) of all turns or bends and within 1 foot (305 mm) above and below all penetrations of roof/ceiling assemblies and all walls and /or barriers.

**605.11.2 Locations of DC conductors.** Conduit, wiring systems, and raceways for photovoltaic circuits shall be located as close as possible to the ridge or 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. Conduit runs between sub arrays and to DC combiner boxes shall be installed in a manner that minimizes total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes shall be located such that conduit runs are minimized in the pathways between arrays. DC wiring shall be run in metallic conduit or raceways when located within enclosed spaces in a building. Conduit shall run along the bottom of load bearing members.

**605.11.3 Access and pathways.** Roof access, pathways, and spacing requirements shall be provided in order to ensure access to the roof; provide pathways to specific areas of the roof; provide for smoke ventilation operations; and to provide emergency egress from the roof.

**Exceptions:**

1. Requirements relating to ridge, hip, and valleys do not apply to roofs slopes of two units vertical in twelve units horizontal (2:12) or less.
2. Residential structures shall be designed so that each array is no greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in either axis.
3. The fire chief may allow panels/modules to be located up to the ridge when an alternative ventilation method acceptable to the fire chief has been provided or where the fire chief has determined vertical ventilation techniques will not be employed.

**605.11.3.1 Roof access points.** Roof access points shall be defined as an area that does not place ground ladders over openings such as windows or doors, and are located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires, or signs.

**605.11.3.2 Residential systems for one- and two-family residential dwellings.** Access shall be provided in accordance with Sections 605.11.3.2.1 through 605.11.3.2.4

**605.11.3.2.1 Residential buildings with hip roof layouts.** Panels /modules shall be located in a manner that provides a 3 foot (914 mm) wide clear access pathway from the eave to the ridge on each roof slope where panels/modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.

**605.11.3.2.2 Residential buildings with a single ridge.** Panels/modules shall be located in a manner that provides two 3 foot (914 mm) wide access pathways from the eave to the ridge on each roof slope where panels/modules are located.

**605.11.3.2.3 Hips and Valleys:** Panels/modules shall be located no closer than 18 inches (457 mm) to a hip or a valley if panels/modules are to be placed on both sides of a hip or valley. If the panels are to be located on only one side of a hip or valley that is of equal length then the panels shall be permitted to be placed directly adjacent to the hip or valley.

**605.11.3.2.4 Smoke Ventilation.** Panels/modules shall be located no higher than 3 feet (914 mm) below the ridge in order to allow for fire department smoke ventilation operations.

**605.11.3.3 All other occupancies.** Access shall be provided in accordance with Sections 605.11.3.3.1 through 605.11.3.3.3.

**Exception:** Where it is determined by the *fire code official* that the roof configuration is similar to a one- or two-family dwelling, the *fire code official* may approve the residential access and ventilation requirements provided in 605.11.3.2.1 through 605.11.3.2.4.

**605.11.3.3.1 Access.** There shall be a minimum 6 foot (1829 mm) wide clear perimeter around the edges of the roof.

**Exception:** If either axis of the building is 250 feet (76 200 mm) or less, there shall be a minimum 4 foot (1290 mm) wide clear perimeter around the edges of the roof.

**605.11.3.3.2 Pathways.** The solar installation shall be designed to provide designated pathways. The pathways shall meet the following requirements:

1. The pathway shall be over areas capable of supporting the live load of fire fighters accessing the roof
2. The center line axis pathways shall be provided in both axis of the roof. Center line axis pathways shall run where the roof structure is capable of supporting the live load of firefighters accessing the roof.
3. Shall be straight line not less than 4 feet (1290 mm) clear to skylights and/or ventilation hatches
4. Shall be straight line not less than 4 feet (1290 mm) clear to roof standpipes
5. Shall provide not less than 4 feet (1290 mm) clear around roof access hatch with at least one not less than 4 feet (1290 mm) clear pathway to parapet or roof edge

**605.11.3.3 Smoke Ventilation.** The solar installation shall be designed to meet the following requirements:

1. Arrays shall be no greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in distance in either axis in order to create opportunities for smoke ventilation operations.
2. Smoke ventilation options between array sections shall be one of the following:
  - 2.1. A pathway 8 feet (2438 mm) or greater in width;
  - 2.2 A 4 feet (1290 mm) or greater in width pathway and bordering roof skylights or smoke and heat vents;
  - 2.3 A 4 feet (1290 mm) or greater in width pathway and bordering 4 foot (1290 mm) x 8 foot (2438 mm) “venting cutouts” every 20 feet (6096 mm) on alternating sides of the pathway

**605.11.4 Ground mounted photovoltaic arrays.** Ground mounted photovoltaic arrays shall comply with Sections 605.11 through 605.11.2 and this section. Setback requirements do not apply to ground-mounted, free standing photovoltaic arrays. A clear brush area of 10 feet (3048 mm) is required for ground mounted photovoltaic arrays.

## **Chapter 9 Fire Protection Systems**

**Section 902 is amended to add the following definitions**

**EMERGENCY** is an occasion that reasonably calls for a response by the fire department. A response due to failure of an alarm system or to personnel error is not an emergency.

**FALSE ALARM** is an alarm signal necessitating response by the fire department when an emergency does not exist.

**SMOKE DETECTOR** A listed device that senses visible particles of combustion.

**Section 903 is amended to read as follows:**

**Section 903.2.1 is deleted and replaced to read:**

**Section 903.2.1** Additions shall be required to meet the requirements of a newly constructed building per section 903.2 as provided in sections 903.2.1.1 and 903.2.1.2

**903.2.1.1 Additions-Commercial.** Additions to existing commercial buildings that increase square footage by 25% or greater shall meet the requirements for a newly constructed building. All additions to commercial buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

**903.2.1.2 Additions-Residential.** Additions to existing residential buildings that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

**903.2.2 Remodels, Alterations, or Repairs.** All existing buildings and facilities when remodels, alterations or structural repairs are made involving demolition, remodel, or repair of more than 50% of the structure or when the total cost of remodels, alterations or structural repairs, exceeds the valuation threshold of \$50,000, based on January 1981, "ENR US20 Cities" Average construction Cost Index of 3372.02 (Engineering News Record, McGraw Hill Publishing Company) shall meet the requirements for a newly constructed building. The enforcing agency shall annually update the valuation threshold to a current amount based on the increase in the index since the last figure used. (For example, the January 2010 amount is \$128,410.86)

**Section 903.2.3 is deleted and replaced to read:**

**903.2.3 Changes of Occupancy.** Any change of occupancy when the proposed new occupancy classification is more hazardous based on life and fire risk, as determined by the Fire Code Official, including the conversion of residential buildings to condominiums, the building shall meet the requirements for a newly constructed building.

**Section 903.2.5 is deleted and replaced to read:**

**903.2.5 Remodels, Alterations, or Repairs**

**Remodels, Alterations, or Repairs.** All existing buildings and facilities when remodels, alterations or structural repairs are made involving demolition, remodel, or repair of more than 50% of the structure or when the total cost of remodels, alterations or structural repairs, exceeds the valuation threshold of \$50,000, based on January 1981, "ENR US20 Cities" Average construction Cost Index of 3372.02 (Engineering News Record, McGraw Hill Publishing Company) shall meet the requirements for a newly constructed building. The enforcing agency shall annually update the valuation threshold to a current amount based on the increase in the index since the last figure used. (For example, the January 2010 amount is \$128,410.86)

**Subsections 903.2.4 through 903.2.13 are deleted.**

**903.3 Installation Requirements.** Sprinkler systems shall be installed in accordance with NFPA 13, NFPA 13R if approved by the Fire Code Official and NFPA 13D.

**Sections 903.3.1 is amended to read.**

**903.3.1 Design Criteria.** Fire sprinkler systems installed in buildings of an undetermined use shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of 3000 square feet. Where a subsequent occupancy change requires a system with greater capacity, it shall be the building owner's responsibility to upgrade the system to the required density.

#### **907.1.5 False Alarms.**

- a. **EMERGENCY** is an occasion that reasonably calls for a response by the fire department. A response due to failure of an alarm system or to personnel error is not an emergency.
- b. **FALSE ALARM** is an alarm signal necessitating response by the fire department when an emergency does not exist.

#### **907.1.6 is amended to read**

**907.1.6 Notice of False Alarm.** The chief shall determine whether an emergency exists at the time the fire department responds to an alarm signal from a fire alarm system. If the chief determines that an emergency does not exist, the chief shall issue a written notice of false alarm to the owner or person in charge or control of the facility where the alarm signal originated.

#### **907.1.7 is amended to read**

**907.1.7 Hearing on Notice.** Any person receiving a notice of false alarm who contends that the chief erroneously determined that an emergency did not exist may file a written request with the chief for a hearing on the determination within ten (10) days after receipt of the notice of false alarm. The chief shall give the requesting party a hearing on the determination within thirty (30) days of receipt of the request. The request shall set forth: (1) why an emergency existed, or (2) why the false alarm resulted from an act of God, flooding, or other violent natural condition without fault and beyond the control of the requesting party. Within ten (10) days following the hearing, the chief shall give written notice of his or her decision to the requesting party.

#### **907.1.8 is amended to read**

**907.1.8 Unreliable Fire Alarm Systems.** The chief may determine a fire alarm system to be unreliable upon receipt of more than four (4) false alarms within a twelve (12) month period. Upon finding that an alarm system is unreliable, the chief may order the following:

- a. Upon the fifth (5th) and sixth (6th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$150.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence.
- b. 2. Upon the seventh (7th) and eighth (8th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$300.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance for each occurrence.
- c. 3. Upon the ninth (9th) and following false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$500.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence. The chief may, in addition, require the system owner to provide standby personnel as defined by Section 2501.18 or take such other measures, as the chief deems appropriate. Persons or activities required by the chief shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the chief that the alarm system has been restored to a reliable condition. The chief may require such tests, as he deems necessary to demonstrate the adequacy of the system.

### **Chapter 14 Fire Safety During Construction And Demolition**

#### **Section 1414.3 is amended to read**

### **1414.3 Large building sprinkler protections**

Building in excess of three stories in height or having a first story in excess on 100,000 square feet in area shall provide an approved operating fire sprinkler system on each floor during construction prior to continuing construction on upper stories.

## **Chapter 33 Explosives and Fireworks**

### **Section 3301.2 is added to read Limits Established by Law.**

The limits referred to in Section 3308.1 in which the storage of explosives and blasting caps or agents, is prohibited, are established as being all areas except "M" zones, Industrial Districts, as defined in the Sebastopol Zoning Ordinance,

### **Section 3301.3 is added to read Prohibition.**

During the period beginning at noon on June 28th and ending at midnight July 4th, fireworks classified as "Safe and Sane" by the California State Fire Marshal's Office, may be possessed and discharged within the City Limits of Sebastopol in compliance with all applicable State and Local regulations, including Council Resolution #3082.

## **Chapter 34 Flammable and Combustible Liquids**

**3406.2.4.4** is amended as follows: The limits referred to in section 3406.2.4.4, in which the storage of flammable or combustible liquids in outside above ground storage tanks is prohibited in all zones except "M" Zones, Industrial Districts, as identified in the Sebastopol Zoning Ordinance.

## **Chapter 38 Liquefied Petroleum Gases**

**Section 3804.2** is amended as follows: Maximum capacity within established limits. Within the city limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 500 gallons and are prohibited in all zones except "M" Zones, Industrial Districts, as identified in the Sebastopol Zoning Ordinance.

**SECTION 12.** Adoption of the **California Code of Regulations Title 24 Part 10 California Existing Building Code** 2009 Edition as published by the International Code Conference International Existing Building Code with the following amendments: Appendix A1

**SECTION 13.** Adoption of **California Code of Regulations Title-24 Part 2 Volume 11 California Green Building Standards Code** 2010 edition as published by the International Code Conference with the following amendments Appendix Chapters A4 Tier 1 and Appendix Chapter A5 Tier 1.

## **Amend Chapter 2 Definitions**

### **Section 202 is amended to read:**

**Newly Constructed (or New Construction)** A newly constructed building (or new construction) includes additions of over 500 square feet for residential construction or 1800 square feet for non residential construction, alterations or repairs of 50 percent or greater to any existing building.

## **Amend Appendix A4 Residential Voluntary Measures to read as follows:**

### **Division A4.6**

**A406.601.1** The Tier 1 measures contained in this appendix are adopted as mandatory provisions.

## **Amend Appendix Chapter A5 Nonresidential Voluntary Measures to read as follows:**

### **Division A5**

**A506.601.1** The Tier 1 measures contained in this appendix are adopted as mandatory provisions.

**SECTION 14.** Adoption of **California Code Of Regulations Title 24, Part 12: California Reference Standards Code**. 2010 Edition, published by the California Building Standards Commission,

**SECTION 15.** Adoption of the current edition of the **National Fire Code** as published by the National Fire Protection Association.

**SECTION 16.** The 2010 California Fire Code and 2009 International Fire Code as adopted and amended herein shall be enforced by the bureau of fire prevention (or other designated agency) in the fire department of the City of Sebastopol

**SECTION 17. Building Inspection Department.** There is hereby established a Building and Safety Division of the City of Sebastopol, pursuant to the provisions of the respective Codes adopted by this Ordinance.

**SECTION 18. Non-Liability of City of Sebastopol.** This Ordinance shall not be construed as imposing upon the City of Sebastopol (or any official or employee thereof) any liability or responsibility for damages to any property or injuries to any person resulting from defects in building construction, defective plumbing, or drainage systems (or installations thereof), electrical or gas installations, or by installations of containers for the use of flammable products, nor shall the City of Sebastopol (or any official or employee thereof) be held as assuming any such liability or responsibility for property damage from any cause whatsoever which may have been caused by a gas leakage, fire or explosion of any gas appliance or house gas piping, electrical application or electrical wiring or from the storage or use of flammable and/or hazardous materials.

**SECTION 19. Violations and Penalties.** Any person violating any of the provisions of this Ordinance shall be deemed guilty of an infraction and any person violating the same section or a portion of an Ordinance on a second or subsequent occasion shall thereafter be deemed guilty of a misdemeanor and upon conviction of either an infraction or a misdemeanor shall be punishable by law.

**SECTION 20.** Repeal of Conflicting Ordinances.

All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 21. Fees.**

The City Council of the City of Sebastopol may establish permit fees as set forth by resolution.

**SECTION 22. Findings of Fact.**

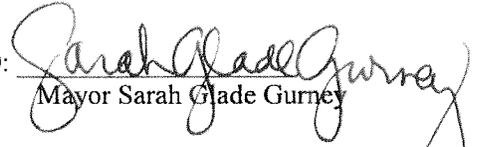
Pursuant to Health and Safety Code Section 17958.7, the Finding of Fact, as submitted in Exhibit A and B of this Ordinance, are made in connection with the adoption of revisions or additions to the 2010 editions of the California Administrative Code, Building Code, Residential Code, Fire Code, Electrical Code, Plumbing Code, Mechanical Code, Energy Code, Elevator Safety Construction Code, Historical Building Code, Fire Code, Existing Building Code, Green Building Standards and Referenced Standards Code.

**SECTION. 23.** Effective Date. This Ordinance shall become effective January 1, 2011.

APPROVED FOR INTRODUCTION AND FIRST READING on this 5<sup>th</sup> day of October, 2010.

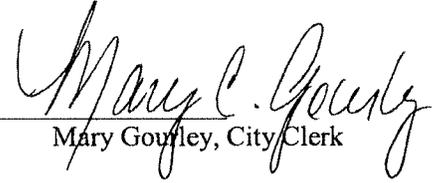
APPROVED FOR SECOND READING AND ADOPTION on the 19<sup>th</sup> day of October, 2010.

APPROVED:

  
Mayor Sarah Glade Gurney

Voting Aye: Councilmembers Robinson, Shaffer, Kelley, Vice Mayor Wilson and Mayor Gurney  
Voting No: None  
Absent: None  
Abstain: None

ATTEST:

  
Mary Goufley, City Clerk

APPROVED AS TO FORM:

  
City Attorney



## **Exhibit A**

**City of Sebastopol  
7425 Bodega Av  
Sebastopol, CA 95472**

### **FINDINGS OF FACT**

This Ordinance has several specific amendments that are more restrictive in nature than those sections adopted by the California Building Code. Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments of this type shall be based on climatic, geographical or topographical conditions. The Findings of Fact contained herein shall address each of these conditions and present local situations which caused the amendments to be adopted.

#### **Climatic**

The normal rainfall in the City of Sebastopol is approximately 35 inches per year. This rainfall is received during the 5- to 6-month period from October to March.

#### **Geographical**

The City of Sebastopol is located in hilly terrain, with elevations within the City ranging from approximately 70 feet to approximately 200 feet above mean sea level. The lower elevations of the City are located within the flood plain of the Laguna de Santa Rosa, while the higher elevations are characterized by hilly terrain.

Poorly consolidated, silty or sandy soils are predominant in Sebastopol. The topsoil is made up of organic-rich, silty sand which is easily eroded. Because of these soil types, and the hilly nature of the City, landslides, earth movement and erosion are possible during the rainy season. These landslides and erosion can cause discharge of soils to creeks and the Laguna, and can block roadways and access drives causing unsafe conditions for motorists and delayed response times for emergency services.

The City of Sebastopol is situated 12.5 miles northeast of the San Andreas Fault and 8 miles southwest of the Healdsburg-Rogers Creek Fault. These are both active faults, which have in the past caused damage to buildings within the City. These faults are capable of causing earthquakes in the magnitude range of 8+ on the Richter scale.

#### **Summary**

For the reasons outlined above, certain amendments to the Code have been incorporated into this Ordinance in an effort to more closely regulate excavation, grading and earthwork construction activities which have the potential to create erosion or unstable soils conditions. While it is understood that the adoption of these

amendments may not prevent such problems, it is noted that the implementation of these various amendments will reduce the severity and potential loss of life and property.

## EXHIBIT "B"

**City of Sebastopol  
7120 Bodega Avenue  
Sebastopol, CA 95472**

### **"FINDINGS OF FACT"**

The City Council of the City of Sebastopol has adopted Ordinance # 1039, on January 1, 2011. This ordinance has several specific amendments that are more restrictive in nature than those sections adopted by the California State Building Code and the State Housing and Community Development Code, Title 24 and Title 25 of the California Administrative Code.

Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments of this type shall be based on climatic, geographical, or topographical conditions. The Findings of Fact contained herein shall address each of these conditions and present local conditions, which caused the amendments to be adopted.

#### **Climatic**

The normal rainfall in the City of Sebastopol is approximately 33 inches on the average yearly calendar. This rainfall is received during the 5 to 6 months between October and March. Included during these rainy periods are times of heavy rains causing periodic flooding of roadways within the City which in turn delay responses within the affected areas.

A major portion of the eastern edge of the City and smaller portion on the western edge of the City lies within the 100-year flood plain and major flooding has been experienced in these areas.

Along with periods of heavy rains, the City is subjected to heavy windstorms, causing roadway and access blockage, damage to buildings and interruption of public utilities.

The periods of dry weather along with the warm weather of summer cause areas of open land to dry up and become serious wild land burn areas. Access to these areas is limited which increase response times and tie up fire department resources.

As a result of summer ambient temperatures, average load demand and peak load demand of energy used in Sebastopol are important factors concerning public safety and adverse economic impacts of power outages or power reductions (i.e., "brownouts"). Reduction of total and peak energy use as a result of incremental energy conservation measures required by this ordinance will have local and regional benefits in the cost-effective reduction of energy costs for the building owner, additional available system energy capacity, and a reduction in greenhouse gas emissions.

The City's water system is dependent on ground water supplies and wells. The area is subjected to periods of reduced annual rainfall, which have caused diminished water supplies. The City maintains sufficient water reserves in three reservoirs as required by normal fire flow demands. However, serious fires do present a problem and require the adoption of certain amendments to the existing Codes to insure the safety of buildings and people.

The City's General Plan sets forth goals for preserving and improving the natural and built environment of the City, protecting the health of its residents and visitor and fostering it's economy. The City finds that green building design, construction and operation furthers the goal set forth in the City's General Plan including land use, conservation, open space and reduction of green house gases.

## **Geographical**

The City of Sebastopol is located in an area that extends from the altitude of approximately 70 feet to a high of approximately 200 feet above sea level. This altitude difference has made it necessary to have two separate water systems to serve the different heights in the City. Pressure Zone #1 serves the lowest areas with one reservoir on line to supply the necessary daily water requirements along with the required standby fire flow. Pressure Zone #2 serves the higher elevations and has two reservoirs to maintain the daily use and fire flows. A breakdown in either system can create water delivery problems if not returned to normal operation as soon as possible.

The hilly terrain within the City also creates delayed responses and difficult access problems to some areas of the City.

The soils of the major part of the City are made up of poorly consolidated, sandy soils. The sandy, silty soil is poorly indurated. The topsoil is made up of organic-rich silt sand, which is easily eroded. Because of these soil types and the hilly nature of the City, landslides and earth movement are possible during rainy season. These landslides and erosion can block and close roadways and access drives, causing response delays.

The City of Sebastopol is situated 12.5 miles northeast of San Andreas Fault and 8 miles southwest of the Healdsburg/Rogers Creek fault. These are both active faults, which have in the past caused damage to buildings within the City. These faults are capable of causing earthquakes in the magnitude range of 8+ on the Richter scale.

Any of these above mentioned fault zones has the potential of causing severe ground movement, ground shaking, ground failure, land sliding, lateral spreading and ground liquefaction. Damage to buildings and infrastructure in the City could be quite severe.

## **Topographical**

The City is bisected by two heavily traveled State highways, which cause delays in responses to fire emergencies. In addition, because of the hilly terrain within the City, many streets are not through streets, which would limit alternate routes to areas of the City. This lack of alternate routes can cause response delays.

Due to the hilly terrain, many of the buildings within the City are located on hillsides with split-level type buildings being common. Again the access to development of this type of building is sometimes delayed and difficult due to narrow access ways and dead end streets.

## **Summary**

While it is clearly understood that the adoption of the amendments to the Codes and the adoption of direct separate Ordinances may not prevent the incidence of fire, it is noted the implementation of these various amendments will reduce the severity and potential loss of life and loss of property.

The City of Sebastopol submits these Findings of Fact and requests the acceptance of them as defined under Section 17958.5 of the State of California Health and Safety Code.