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

February 18, 2011

Matthew N. Winter, Building Official
Building Division
City of Upland
460 North Euclid Ave.
Upland, CA 91786

Dear Mr. Winter:

This letter is to acknowledge receipt on January 5, 2011 of the City of Upland submittal pertaining to Ordinance Nos. 1856 and 1857 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 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,

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

CITY OF UPLAND

BUILDING DIVISION

City of Upland 460 North Euclid Avenue
Upland, CA 91786
(909) 931-4110
FAX (909) 931-4321

December 23rd, 2010

Mr. David Walls
Executive Director
California Building Standards Commission
2525 Natomas Park Dr. Suite 130
Sacramento, CA. 95833

RE: City of Upland 2010 California Code Adoption Ordinance

Mr. David Walls

The City of Upland has adopted the 2010 versions of the California Building, Plumbing, Mechanical, Electrical, Fire, Residential, Historical, Green Building, and Existing Building Codes.

The City of Upland has incorporated necessary changes and modifications into the adopted California Codes and has advised that certain said changes and modifications to the 2010 Editions of the California Building, Fire, Residential, and Electrical Codes are reasonably necessary due to local climatic, geological, or topographical conditions in the City of Upland and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature; or concern themselves with subjects not covered by the Code or are reasonably necessary to safeguard life and property within the City of Upland.

The enclosed City Ordinances and Resolutions are for your information and files.

If any additional information is required or desired please feel free to contact this office at 909-931-4114.

Sincerely,

Matthew N. Winter
Building Official

2011 JAN -5 P 1:13
CALIFORNIA BUILDING STANDARDS COMMISSION
RECEIVED

City of Upland
City Clerk Department
Telephone 909-931-4120
Facsimile 909-931-4123

MEMORANDUM

TO: Matt Winter, Building Official

FROM: Stephanie Mendenhall, City Clerk

DATE: November 23, 2010

RE: City Council Action –2010 Building and Fire Code Adoption

On November 22, 2010, the City Council:

- Adopted Resolution No. 6014 making express findings and determinations that modifications to the 2010 California Building Code and the 2010 Residential Code are reasonably necessary because of local climatic, geological, or topographical conditions.
- Adopted Resolution No. 6015 making express findings and determinations that modifications to the 2010 California Fire Code are reasonably necessary because of local climatic, geological, or topographical conditions.
- Held second reading and adopted Ordinance No. 1856 adopting by reference, the 2010 California Fire Code, including certain appendices thereof, together with certain amendments, additions, deletions, and exceptions; providing for the issuance of permits and collection of fees, and amending Title 8 of the Upland Municipal Code.
- Held second reading and adopted Ordinance No. 1857 adopting by reference, the 2010 California Building Code, Volumes 1 and 2, including certain appendices thereof, the 2010 California Mechanical Code, the 2010 California Plumbing Code, the 2010 California Electrical Code, the 2010 California Existing Building Code, and the 2010 California Historical Building Code, the 2010 California Residential Code, the 2010 California Green Building Standards Code together with certain amendments, additions, deletions, and exceptions; revising grading restrictions, and amending Title 15 of the Upland Municipal Code.

Please find attached copies of said resolutions and ordinances for your records.

Attachments

RESOLUTION NO. 6014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND MAKING EXPRESS FINDINGS AND DETERMINATIONS THAT MODIFICATIONS TO THE 2010 CALIFORNIA BUILDING CODE AND THE 2010 RESIDENTIAL CODE ARE REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS

The City Council of the City of Upland does hereby find and resolve as follows:

Section 1. Section 17958.5 of the California Health and Safety Code provides, in pertinent part, as follows:
"[A] city or county may make such changes or modifications in the requirements contained in the provisions published in the State Building Standards Code and the other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, geological or topographical conditions."

Section 2. Prior to making the modifications permitted under Section 17958.5 of the California Health and Safety Code, this Council is required to make express findings that such modifications or changes are needed based on local conditions, in accordance with California Health and Safety Code Section 17958.7.

Section 3. The City Council finds that the amendments to the California Building Code set forth hereinbelow are reasonably necessary based on the following local conditions:

1. Climatic Conditions

   a. Precipitation. Precipitation ranges from 3 to 31 inches per year with an average of approximately 12 inches per year. Approximately 90 percent falls during the months of November through April, and 10 percent from May through October.

   b. Relative Humidity. Humidity generally ranges from 50 percent during the daytime to 81 percent at night. It drops to 15 percent during the summer months and may drop as low as 5 percent during Santa Ana wind conditions.

   c. Temperatures. Temperatures have been recorded as high as 117 degrees F. Average summer highs are in the 74 degree to 95 degree range.

   d. Winds. Prevailing winds are from the west. Velocities generally average 6 mph with gusts averaging 22 mph. Extreme winds of up to 58 mph have been known to occur during wind events known as "Santa Ana" winds. These winds blow westward through canyons toward coastal areas. Santa Ana winds typically occur from November into March and are experienced from virtually every direction at one time or another.

   e. Summary. These local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity and high

temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another, commonly found in Upland. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can create a blowtorch effect literally forcing fires into buildings.

2. Topographical and Geological Conditions

a. The Fire Environment. The fire environment of a community is primarily a combination of two factors: the physical geographic characteristics of an area and the historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments that ultimately determines fire protection needs.

The basic geographical boundaries of the City include the City of Ontario to the south, the City of Montclair to the southwest, the City of Claremont (in Los Angeles County) to the west, the San Gabriel Mountains to the north, and the City of Rancho Cucamonga to the east. The City of Upland varies in elevation from 1,175ft at 7th Street & Mountain Avenue to 2,000ft at 24th Street & Euclid Avenue.

The City is comprised of mostly one- and two-story wood frame residential structures. Commercial, retail and industrial development comprises approximately 10 percent of the City and is located primarily in the southwest part of the City. Most commercial, retail and industrial structures are built of wood frame and tilt-up concrete construction and some use and store hazardous materials.

b. Seismic Location. The City is near three active earthquake fault zones; the San Andreas, the Sierra Madre and the Cucamonga fault. The Upland Earthquake occurred on February 28, 1990, along the Sierra Madre Fault Zone E, with its epicenter located approximately 2 miles northwest of Upland. The earthquake measured 5.4 on the Richter scale.

c. Size and Population. The City of Upland covers approximately 15.3 square miles including an urban population estimated at 73,110. Within the City are four (4) fire stations and a total of 49 fire personnel. The Upland Fire Department handles diverse responsibilities in the built urban environment that includes two major freeways, a private airport, and a major commuter rail system.

d. Topography. Most of the existing urban areas south of 19th Street are on relatively flat lands (0 – 5% slope). The northern

part of the City is generally steeper with some slopes ranging from 5 percent to 12 percent.

e. Vegetation. Upland's semi-arid Mediterranean-type climate produces vegetation similar to that of most of the front country regions of San Bernardino County, with specific growth locale a result of topography, precipitation and prevailing wind. The majority of the wildland areas are along the Cucamonga flood control plain on the east City boundary and along the San Antonio flood control plain on the west City boundary. Vegetation exposure along these areas is primarily rye grass and highly flammable brush. The California Department of Forestry and Fire Protection (CAL FIRE) has designated these local responsibility areas as Very High Fire Hazard Severity Zones.

f. Summary. The above local geographic and topographic conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the City of Upland. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

Other variables may tend to intensify the situation:

1) The extent of damage to the water system;

2) The extent of isolation due to bridge and/or freeway overpass collapse;

3) The extent of roadway damage and/or amount of debris blocking the roadways;

4) Climatic conditions (hot, dry weather with high winds);

5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;

6) The availability of timely mutual aid or military assistance;

7) Dwellings with wood shingle roof coverings that could result in conflagrations.

Section 4. Specific Amendments and References to Findings. Local climatic, geographic and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore it is found to be reasonably necessary that the California Building Code be changed or modified to mitigate the effects of the above conditions.

California Health and Safety Code Section 17958.7 requires that the modification or change be expressly marked and identified as to which each finding refers. Therefore,

the City of Upland finds that the following table sets forth amended code sections that are building standards as defined in Health and Safety Code Section 18909, and the associated referenced finding based on local climatic, geological and topographical conditions.

California Building Code Section Number	Findings- Local climatic, geological and topographical conditions
Table 1505.1	1d, 2a, 2e, 2f
903.2	1d, 1e, 2a, 2b, 2f
903.2.1.1	1d, 1e, 2a, 2b, 2f
903.2.1.3	1d, 1e, 2a, 2b, 2f
903.2.1.4	1d, 1e, 2a, 2b, 2f
903.2.3	1d, 1e, 2a, 2b, 2f
903.2.4	1d, 1e, 2a, 2b, 2f
903.2.7	1d, 1e, 2a, 2b, 2f
903.2.9	1d, 1e, 2a, 2b, 2f
903.2.9.1	1d, 1e, 2a, 2b, 2f
903.3.1.1.1	1d, 1e, 2a, 2b, 2f
903.4	1d, 1e, 2a, 2b, 2f
905.4	1d, 1e, 2a, 2b, 2f
907.1.6	1d, 1e, 2a, 2b, 2f
907.1.7	1d, 1e, 2a, 2b, 2f
907.1.8	1d, 1e, 2a, 2b, 2f
907.1.9	1d, 1e, 2a, 2b, 2f
907.1.10	1d, 1e, 2a, 2b, 2f
907.3.1	1d, 1e, 2a, 2b, 2f
910.3.2.2	1d, 1e, 2a, 2b, 2f

Section 5. The City Clerk shall certify to the adoption of this Resolution and forthwith cause a certified copy of the same and Ordinance No. 1857 to be transmitted to the California Building Standards Commission.

ADOPTED AND APPROVED this 22nd day of November, 2010.

John V. Pomierski

John V. Pomierski, Mayor

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Upland held on the 22nd day of November, 2010, by the following vote:

AYES: Mayor Pomierski, Councilmembers Brandt, Musser, Thomas
NOES: None
ABSENT: Councilmember Willis
ABSTAINED: None

ATTEST:

S. Mendenhall

Stephanie A. Mendenhall, City Clerk

RESOLUTION NO. 6015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND MAKING EXPRESS FINDINGS AND DETERMINATIONS THAT MODIFICATIONS TO THE 2010 CALIFORNIA FIRE CODE ARE REASONABLY NECESSARY BECAUSE OF LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS

The City Council of the City of Upland does hereby find and resolve as follows:

Section 1. Findings

EXPRESS FINDINGS FOR AMENDMENTS, ADDITIONS OR DELETIONS TO THE CALIFORNIA FIRE CODE BASED ON CLIMATIC, TOPOGRAPHICAL, OR GEOLOGICAL CONDITIONS

CHANGES OR MODIFICATIONS: Pursuant to Section 17958.5, 17958.7 and 18941.5 of the State of California Health and Safety Code, the City of Upland, in adopting its Ordinance No. 1856, which adopts and amends the 2010 California Fire Code, changes or modifies certain provisions of the 2010 California Building Standards Code (Title 24, Part 9) as it pertains to the regulation and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Upland.

Findings: Pursuant to Sections 17958.5, 17958.7, and 18941.5 of the State of California Health and Safety Code, the City Council of the City of Upland has determined and finds that the attached changes or modifications to the 2010 California Building Standards Code (Title 24, Part 9) are needed and are reasonably necessary because of local climatic, geological and topographic conditions.

Local Conditions: Local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage, and (3) the potential for life and property loss, making necessary changes or modifications to the 2010 California Fire Code in order to provide a reasonable degree of property security and fire and life safety in the City of Upland.

Below are listed adverse local climatic (see No. 1), geological and topographic (see No. 2) conditions.

1. Climatic Conditions

   a. Precipitation. Precipitation ranges from 3 to 31 inches per year with an average of approximately 12 inches per year. Approximately 90 percent falls during the months of November through April, and 10 percent from May through October.

   b. Relative Humidity. Humidity generally ranges from 50 percent during the daytime to 81 percent at night. It drops to 15 percent during the summer months and may drop as low as 5 percent during Santa Ana wind conditions.

c. Temperatures. Temperatures have been recorded as high as 117 degrees F. Average summer highs are in the 74 degree to 95 degree range.

d. Winds. Prevailing winds are from the west. Velocities generally average 6 mph with gusts averaging 22 mph. Extreme winds of up to 58 mph have been known to occur during wind events known as "Santa Ana" winds. These winds blow westward through canyons toward coastal areas. Santa Ana winds typically occur from November into March and are experienced from virtually every direction at one time or another.

e. Summary. These local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another, commonly found in Upland. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can create a blowtorch effect literally forcing fires into buildings.

2. Topographical and Geological Conditions

a. The Fire Environment. The fire environment of a community is primarily a combination of two factors: the physical geographic characteristics of an area and the historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments that ultimately determines fire protection needs.

The basic geographical boundaries of the City include the City of Ontario to the south, the City of Montclair to the southwest, the City of Claremont (in Los Angeles County) to the west, the San Gabriel Mountains to the north, and the City of Rancho Cucamonga to the east. The City of Upland varies in elevation from 1,175ft at 7th Street & Mountain Avenue to 2,000ft at 24th Street & Euclid Avenue.

The City is comprised of mostly one- and two-story wood frame residential structures. Commercial, retail and industrial development comprises approximately 10 percent of the City and is located primarily in the southwest part of the City. Most commercial, retail and industrial structures are built of wood frame and tilt-up concrete construction and some use and store hazardous materials.

b. Seismic Location. The City is near three active earthquake fault zones; the San Andreas, the Sierra Madre and the Cucamonga fault. The Upland Earthquake occurred on February 28, 1990, along the Sierra Madre Fault Zone E, with its epicenter located approximately 2 miles northwest of Upland. The earthquake measured 5.4 on the Richter scale.

c. Size and Population. The City of Upland covers approximately 15.3 square miles including an urban population estimated at 73,110. Within the City are

four (4) fire stations and a total of 49 fire personnel. The Upland Fire Department handles diverse responsibilities in the built urban environment that includes two major freeways, a private airport, and a major commuter rail system.

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e. Vegetation. Upland's semi-arid Mediterranean-type climate produces vegetation similar to that of most of the front country regions of San Bernardino County, with specific growth locale a result of topography, precipitation and prevailing wind. The majority of the wildland areas are along the Cucamonga flood control plain on the east City boundary and along the San Antonio flood control plain on the west City boundary. Vegetation exposure along these areas is primarily rye grass and highly flammable brush. The California Department of Forestry and Fire Protection (CAL FIRE) has designated these local responsibility areas as Very High Fire Hazard Severity Zones.

f. Summary. The above local geological and topographic conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the City of Upland. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

Other variables may tend to intensify the situation:

1) The extent of damage to the water system;

2) The extent of isolation due to bridge and/or freeway overpass collapse;

3) The extent of roadway damage and/or amount of debris blocking the roadways;

4) Climatic conditions (hot, dry weather with high winds);

5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;

6) The availability of timely mutual aid or military assistance;

7) Dwellings with wood shingle roof coverings that could result in conflagrations.

Conclusion: Local climatic, geological and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore it is found to be reasonably necessary that the California Fire Code modified to mitigate the effects of the above conditions.

Furthermore, California Health and Safety Code Section 17958.7 requires that the modification or change be expressly marked and identified as to which each finding refers. Therefore, the City Council finds that the following table sets forth 2010 California Fire Code provisions that have been modified pursuant to Ordinance No. 1856, which are building standards as defined in Health and Safety Code Section 18909, and the associated referenced conditions supporting modification based on local climatic, geological and topographical conditions.

CFC Section added or amended:	Finding Number - local climatic, topographical and geological conditions:
Chapter1, Division II, 105.6.3.A	1b, 1d, 1e, 2a, 2b, 2c, 2f
Chapter1, Division II, 105.6.7.A	1b, 1d, 1e, 2a, 2b, 2c, 2f
Chapter1, Division II, 105.6.33.A	1b, 1d, 1e, 2a, 2b, 2c, 2f
Chapter1, Division II, 105.6.40.A	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2f
301.3	1b, 1c, 1d, 1e, 2a, 2b, 2e, 2f
316.4.1	2a, 2c, 2f
503.2.1	1d, 1e, 2a, 2b, 2c, 2e, 2f
503.2.3	1d, 1e, 2a, 2b, 2c, 2e, 2f
503.2.7	1d, 1e, 2a, 2b, 2c, 2e, 2f
503.4	1d, 1e, 2a, 2b, 2c, 2e, 2f
505.1	2a, 2b, 2c, 2f
505.1.A	2a, 2b, 2c, 2f
507.5.1	1a, 1c, 1d, 2b, 2e, 2f
509.2	1a, 1c, 1d, 2b, 2e, 2f
901.4.2	1d, 1e, 2a, 2b, 2f
901.10	1d, 1e, 2a, 2b, 2f
903.2	1d, 1e, 2a, 2b, 2f
903.2.1.1	1d, 1e, 2a, 2b, 2f
903.2.1.3	1d, 1e, 2a, 2b, 2f
903.2.1.4	1d, 1e, 2a, 2b, 2f
903.2.3	1d, 1e, 2a, 2b, 2f
903.2.4	1d, 1e, 2a, 2b, 2f
903.2.7	1d, 1e, 2a, 2b, 2f
903.2.9	1d, 1e, 2a, 2b, 2f
903.2.9.1	1d, 1e, 2a, 2b, 2f
903.2.10	1d, 1e, 2a, 2b, 2f
903.3.1.1.1	1d, 1e, 2a, 2b, 2f
905.4	1d, 1e, 2a, 2b, 2f
907.1.9	1d, 1e, 2a, 2b, 2f
907.1.10	1d, 1e, 2a, 2b, 2f
910.3.2.2	1d, 1e, 2a, 2b, 2f
914.12	1d, 1e, 2a, 2b, 2f
914.12.1	1d, 1e, 2a, 2b, 2f
914.12.2	1d, 1e, 2a, 2b, 2f
914.12.3	1d, 1e, 2a, 2b, 2f
914.12.4	1d, 1e, 2a, 2b, 2f
914.12.5	1d, 1e, 2a, 2b, 2f
914.12.6	1d, 1e, 2a, 2b, 2f
3310.1	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2e, 2f
3404.2.9.6.1	1b, 1c, 1d, 1e, 2a, 2b, 2c, 2f
3406.2.4.4	1b, 1c, 1d, 1e, 2a, 2b, 2c, 2f
3506.2	1b, 1c, 1d, 1e, 2a, 2b, 2c, 2f

3804.2	1b, 1c, 1d, 1e, 2a, 2b, 2c, 2f
B105.2	1d, 1e, 2a, 2b, 2c, 2f
BB105.1	1d, 1e, 2a, 2b, 2c, 2f
C105.1	1d, 1e, 2a, 2b, 2c, 2f
CC105.1	1d, 1e, 2a, 2b, 2c, 2f
D101.1	1d, 1e, 2a, 2b, 2c, 2e, 2f
D103.1	1d, 1e, 2a, 2b, 2c, 2e, 2f
D103.2	1d, 1e, 2a, 2b, 2c, 2e, 2f
D103.4	1d, 1e, 2a, 2b, 2c, 2e, 2f
Table D103.4	1d, 1e, 2a, 2b, 2c, 2e, 2f
D103.6.1	1d, 1e, 2a, 2b, 2c, 2e, 2f
D103.6.2	1d, 1e, 2a, 2b, 2c, 2e, 2f
D103.7	1d, 1e, 2a, 2b, 2c, 2e, 2f
D103.8	1d, 1e, 2a, 2b, 2c, 2e, 2f
D103.9	1d, 1e, 2a, 2b, 2c, 2e, 2f
D105.4	1d, 1e, 2a, 2b, 2c, 2e, 2f
D107.1	1d, 1e, 2a, 2b, 2c, 2f

Section 2. The City Clerk shall certify to the passage of this Resolution and forthwith cause a certified copy of the same and Ordnance 1856 to be transmitted to the California Building Standards Commission.

APPROVED and ADOPTED this 22nd day of November 2010.

John V. Pomierski

John V. Pomierski, Mayor

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 22nd day of November, 2010, by the following vote:

AYES:	Mayor Pomierski, Councilmembers Brandt, Musser, Thomas
NOES:	None
ABSENT:	Councilmember Willis
ABSTAINED:	None

ATTEST: S. Mendenhall

Stephanie A. Mendenhall, City Clerk

ORDINANCE NO. 1856

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND ADOPTING BY REFERENCE, THE 2010 CALIFORNIA FIRE CODE, INCLUDING CERTAIN APPENDICES THEREOF, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES, AND AMENDING TITLE 8 OF THE UPLAND MUNICIPAL CODE

A. Recitals.

(i) Article 2 of Chapter 1 of Part 1 of Division I of Title 5 of the California Government Code (Section 50020, et seq.) authorizes the adoption by reference, of the Code specified in the title of this Ordinance.

(ii) At least one (1) copy of said Code, certified as full, true and correct by the City Clerk of the City of Upland has been filed in the office of the City Clerk in accordance with the provisions of California Government Code Section 50022.6.

(iii) A duly noticed public hearing, as required by California Government Code Section 50022.3, has been conducted and concluded prior to the adoption of this Ordinance.

(iv) All legal prerequisites to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND DOES FIND, DETERMINE AND ORDAIN AS FOLLOWS:

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

SECTION 2. Sections 8.28.010, 8.28.015, 8.28.030, 8.28.040, 8.28.050, 8.28.060, 8.28.090, 8.28.100, 8.28.120, 8.28.150, 8.28.170, 8.28.185, 8.28.190, and 8.28.200, of Chapter 8.28 of Title 8 of the Upland Municipal Code hereby are repealed; provided, however, that said repeal shall not apply to or excuse any violation thereof occurring prior to the effective date of this Ordinance and provided further that all the foregoing code sections as exist prior to the effective date hereof, shall continue to be applicable to construction wherein plans have been submitted for plan check as of the effective date of this Ordinance so long as the initial permit therefor is issued no later than ninety (90) days after the effective date of this Ordinance.

SECTION 3. A new Section 8.28.010 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

8.28.010 Adoption of the California Fire Code

The California Fire Code, 2010 edition, including Appendix Chapter 4, as published by the California Building Standards Code, Appendices B as amended, BB as amended, C as amended, CC as amended, D as amended, E, F, H, and J, as published by the International Code Council, shall be and is hereby adopted by reference as the Fire Code of the City of Upland regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the

regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City Clerk of the City of Upland are hereby referred to, adopted, and made a part thereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes contained herein.

SECTION 4. A new Section 8.28.015 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

8.28.015 Administration

Chapter 1, Division II - Administration, Section 101.1 of the 2010 California Fire Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Upland, hereinafter referred to as "this code."

Chapter 1, Division II - Administration, Section 103.4 of the 2010 California Fire Code is amended to read as follows:

103.4 Liability for Damages. Except as otherwise provided by law, the Fire Chief or other individuals charged by the Fire Chief with the control of extinguishment of any fire, the enforcement of this code or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that may accrue to persons or properties as a result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the Fire Chief or such individuals because of such act or omission performed in the enforcement of any provision of such codes or other pertinent laws enforcement of this code or enforced by the Code Enforcement Agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

Chapter 1, Division II - Administration, Section 103.5 is added to the 2010 California Fire Code to read as follows:

103.5 Responsibility. This code shall not be construed as relieving or lessening the responsibility of any person owning, operation or controlling any building or structure for any damages to persons or property caused by defects, nor shall the Fire Department or the City of Upland be deemed to have assumed any liability by reason of the inspections authorized by this code or any persons or certificates issued under this code.

Chapter 1, Division II - Administration, Section 103.6 is added to the 2010 California Fire Code to read as follows:

103.6 Liabilities for damages. The provisions of this article shall not be construed to affect the responsibility of any person owning, operating or installing any equipment for damage to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability by reason of the inspection or re-inspection authorized herein, or by reason of the approval or disapproval of any equipment authorized herein.

Chapter 1, Division II - Administration, Section 104.3.1 is amended to the 2010 California Fire Code to read as follows:

104.3.1 Warrant. Except in emergency situations, when the fire code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to this code. No person shall hinder or prevent the Fire Chief or designee while in the performance of the duties herein described as emergency situations or while in possession of an inspection or search warrant, from entering upon and into any and all premises under his or her jurisdiction for the purpose of inspecting the same to determine whether or not the provisions of this code and all other applicable law or ordinances pertaining to the protection or persons or property are observed therein.

Chapter 1, Division II - Administration, Section 104.10 of the 2010 California Fire Code is amended to read as follows:

104.10 Fire investigations. The Upland Fire Department shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law. If it appears to the fire department investigator that a fire is of suspicious origin, the Upland Fire Department is authorized to take charge of all physical evidence relating to the cause of the fire and is authorized to pursue the investigation to its conclusion. Fire department investigators shall have the powers of a police officer in performing their duties under California Penal Code section 830.37 and this code.
Chapter 1, Division II - Administration, Section 104.12.1 is added to the 2010 California Fire Code to read as follows:

104.12.1 Frequency. The frequency of inspections shall be in accordance with accepted standards and practices, or as the fire chief deems necessary.

Chapter 1, Division II - Administration, Section 104.12 is added to the 2010 California Fire code to read as follows:

104.13 Cost recovery. Services rendered by the Upland Fire Department, associated with performing inspections, issuing citations and violations, conducting any fire investigations and other such activities pertaining to the enforcement of this code shall, at the discretion of the Fire Chief, be charged to the responsible parties as specified by a fee schedule adopted from time to time by the City Council of the City of Upland.

Chapter 1, Division II - Administration, Section 105.3.1 of the 2010 California Fire Code is amended to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or

ownership shall require that a new permit be issued. Permits that have been expired for more than one year are subject to new permit fees as would be incurred for a new project.

Chapter 1, Division II - Administration, Section 105.3.9 is added to the 2010 California Fire Code to read as follows:

105.3.9 Specific permits required. Permits are required for the plan review and inspection of fire detection, sprinkler, hood and duct, and occupancy plan reviews. Fees shall be collected by the Fire Department at the time an application for permit is filed and the fees to be paid shall be set by the city council from time to time by resolution duly adopted by the council.

Chapter 1, Division II - Administration, Section 105.6.3.A is added to the 2010 California Fire Code to read as follows:

105.6.3.A Stationary storage battery systems. An annual renewable fire code permit shall be required for stationary storage battery systems as regulated by Section 608 of the 2010 California Fire Code.

Chapter 1, Division II - Administration, Section 105.6.7.A is added to the 2010 California Fire Code to read as follows:

105.6.7.A Commercial kitchen exhaust hoods. An annual renewable fire code permit shall be required for commercial kitchen exhaust hoods, required by Section 609 of the 2010 California Fire Code, with an automatic fire extinguishing system.

Chapter 1, Division II - Administration, Section 105.6.33.A is added to the 2010 California Fire Code to read as follows:

105.6.33.A Pallet Yards. An annual renewable fire code permit shall be required to store, manufacture, refurbish or otherwise handle more than two hundred cubic feet of plastic or wood pallets on the exterior of any building site, not including modular storage containers.

Chapter 1, Division II - Administration, Section 105.6.40.A is added to the 2010 California Fire Code to read as follows:

105.6.40.A Seasonal events. An annual renewable fire code permit shall be required to operate an outdoor seasonal event for the purpose of storing, displaying and selling Christmas trees, operating a pumpkin patch, Christmas tree lot or operating a haunted house.

Chapter 1, Division II - Administration, Section 106.5 is added to the 2010 California Fire Code to read as follows:

106.5 Inspections. The fire prevention bureau shall inspect or cause to be inspected all buildings and premises, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or violations of the provisions or intent of any ordinance of the city affecting the fire hazard.

Chapter 1, Division II - Administration, Section 108.1.A is added to the 2010 California Fire Code to read as follows:

108.1.A Decisions of the Fire Code Official. A decision of the Fire Code Official regarding the interpretation or implementation of any provision of this Chapter or the codes hereby adopted shall be final and shall become effective forthwith upon the service of the decision of the Fire Code Official, in writing, upon the permitted. For purposes of this Section, service upon the permitted shall mean either personal delivery or placement in the United States Mail, postage prepaid, and addressed to the permitted at the permittee's last known business address; provided, however, that the permittee may, within 10 days after the effective date of the decision of the Fire Code Official, file an appeal with the City Clerk, in writing, specifying the reason or reasons for the appeal and requesting that the Board of Appeals review the decision of the Fire Code Official.

Chapter 1, Division II - Administration, Section 109.3 of the 2010 California Fire Code is amended to read as follows:

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment not exceeding on hundred eighty days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Chapter 1, Division II - Administration, Section 109.4 is added to the 2010 California Fire Code to read as follows:

109.4 False alarms. It shall be unlawful for any person to give, signal or transmit or for any person to cause or permit to be given, signaled or transmitted in any manner any false alarm. The responsible party for a false alarm, or the responsible guardian in the case of a minor may be charged a false alarm fee in such amount as set by resolution of the City Council. This fee may only be waived by the Fire Chief or designee and only when good cause therefore is shown. Exception: The fire alarm system is undergoing approved maintenance or repairs or system test and the fire alarm company performing said testing or maintenance has properly notified the Upland Fire Department of the system testing or maintenance. A fire alarm malfunction response fee in an amount as set by resolution of the City Council may be assessed against the alarm company if said alarm company is determined to be responsible for false or malfunctioning fire alarm responses. After repeated alarm malfunctions resulting in a Fire Department response, in a number deemed by the Fire Chief or designee to be excessive, the Fire Department, and /or the Fire Chief or designee may schedule a hearing to provide the alarm owner and/or company the opportunity to show cause why the system should not be removed from service. Following said hearing, if it is determined that the problems in the alarm system have not been corrected to the Fire Chief of designee's satisfaction after providing written notice, the Fire Chief or designee may order that the alarm service be discontinued and that the occupancy cease its use until such time as the system is repaired and properly maintained and unnecessary responses are mitigated.

Chapter 1, Division II - Administration, Section 109.5 is added to the 2010 California Fire Code to read as follows:

109.5 Liability for fire damage and alarm system malfunction. The expense of fighting any fires which are the result of a violation of the provisions of this chapter or the fire code, the damages caused by malicious mischief requiring any correction or prevention

actions conducted by the fire department personnel pursuant to this section shall be assessed by the city and notice of the assessment shall be given to such persons whose violations of a provision set forth herein has caused the damage. The notice shall be in writing and shall be either delivered personally to such person or if such a person cannot be found at his or her residence or business, then notice shall be given by registered mail, return receipt requested. The notice of assessment shall be given and the persons to whom the notice has been given shall have an opportunity to object to the cost of damages. In the event that such damages are caused by failure of a person to remedy conditions on the property on which the fire took place, the damages shall be assessed against the property on which the fire took place and a notice of lien may be filed by the city for the collection of the fees. Nothing in this chapter shall be deemed to prevent the city from commencing civil proceedings to collect for the damages or to institute criminal proceedings as an alternative proceeding set forth herein. Any person or business who has received written notice from the fire department, that their alarm system is in the state of disrepair, or malfunction, such person or business shall be liable for the cost incurred, both manpower and equipment, in response to an alarm transmitted by this system. The fees shall be collected as prescribed above. Recording of the cost for the damages report, hearing and proceedings, the assessment of cost against the property, together with a notice of liens, shall be substantially the same as set forth for the recording of costs to abate, the report in assessment as set forth in Sections 8.12.150 and 8.12.160 of the Upland Municipal Code.

Chapter 1, Division II - Administration, Section 109.6 is added to the 2010 California Fire Code is amended to read as follows:

109.6 Failure to comply. Any person who shall violate the provisions of this fire code herein adopted or fails to accomplish therewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder, or any certificate of permit issued thereafter, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by court of competent jurisdiction, within the time affixed herein shall severally, for each and every such violation and noncompliance, respectfully, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars, or by imprisonment for not less than 180 days, or by both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time or when not otherwise specified each date that prohibited conditions are permitted shall constitute a separate offense.

Chapter 1, Division II - Administration, Section 111.4 of the 2010 California Fire Code is amended to read as follows:

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 250 dollars or more than 1,000 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Chapter 1, Division II - Administration, Section 111.4.1 is added to the 2010 California Fire Code to read as follows:

Section 111.4.1 Removal of prohibited conditions. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 5. A new Section 8.28.030 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.030 General Precautions Against Fire

Section 301.3 is added to the 2010 California Fire Code to read as follows:

301.3 Fire hazard-order of removal. Whenever the chief, or authorized representatives, shall find any building or other structure which for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause is especially liable to fire, and which is so situated as to endanger other property, or the occupants thereof, and whenever such officer, or authorized representatives, shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof, the chief shall order such dangerous conditions or materials to be removed or to be remedied in accordance with recognized standards and practices for the prevention of fire. In the event that abatement is not performed within the timeframes granted by such notices or other written documentation, the fire code official may cause abatement to be done in accordance with public nuisance abatement procedures and make the expense of such abatement a lien upon the property at which such condition exists.

Section 308.1.4 of the 2010 California Fire Code is amended to read as follows:

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on balconies or within 10 feet (3048 mm) of any building or structure.

Exception: One- and two-family dwellings.

Section 316.4.1. is added to the 2010 California Fire Code to read as follows:

316.4.1 Smoke or fog emitting systems. No alarm system shall be installed in a building or portion of a building which as a part of its operation, discharges any gas, vapor, liquid, or other product when the primary intent of the system discharge is to obscure the vision of any person, cause disorientation, or incapacitate any person within the building or portion thereof. Nothing in this section is intended to preclude the connection of an alarm system to any fire suppression system.

SECTION 6. A new Section 8.28.040 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.040 Reserved

SECTION 7. A new Section 8.28.050 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.050 Fire Service Features

Section 503.2.1 of the 2010 California Fire Code is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in

accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet 6 inches (4420 mm).

Section 503.2.3 of the 2010 California Fire Code is amended to read as follows:

503.2.3 Surface. Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced with the appropriate thickness of concrete or asphalt. Where road grades do not exceed six percent (6%), and where serving only one or two Group R-3 single family dwellings or Group U occupancies, the fire code official may approve roads constructed with approved native materials or gravel compacted to eighty five percent (85%) compaction.

Section 503.2.7 of the 2010 California Fire Code is amended to read as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall be a maximum of 6 percent, unless mitigating protection measures are applied and approved by the fire code official.

Section 503.4 of the 2010 California Fire Code is amended to read as follows:

503.4 Obstruction of fire apparatus access roads. Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Any condition that serves as an impediment to fire access, or any vehicle or other obstruction to fire access may be removed at the orders of the Fire Department or other governing agency in cooperation with the Fire Department, with the expense of such removal to be paid by the owner of the roadway, or of said vehicle or obstruction.

Section 505.1 of the 2010 California Fire Code is amended to read as follows:

505.1 Address numbers on buildings that do not contain more than two dwelling units. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). New residential dwelling unit addresses shall have minimum 4 inch (102 mm) numbers, with a minimum stroke width of 0.5 inch (12.7 mm), and shall be internally illuminated by means of a low voltage power source during the hours of darkness. Where building setbacks exceed 100 feet (30.5 m) from the named roadway or the address cannot be viewed from a public way, additional non illuminated numbers 4 inches (101.6 mm) high, with a minimum stroke width of 0.5 inch (12.7 mm), shall be displayed on a monument, pole or sign or other means shall be used to identify the structure at the property entrance.

Section 505.1.A is added to the 2010 California Fire Code to read as follows:

505.1.A Address numbers for multi-family, commercial and industrial buildings. Multi-family, commercial and industrial use buildings shall have numbers a minimum of 12 inches (306 mm) high with a minimum stroke of minimum stroke of 1.5 inches (38.2 mm.). Such address numbers shall be electrically illuminated by an internal or external source during the hours of darkness. Where building setbacks exceed 200 feet (61 m) from the named roadway, additional non-illuminated 6 inch (153 mm) high numbers shall be displayed shall be displayed on a monument, pole or sign or other means shall be used to

identify the structure at the property entrance. In addition, minimum 6 inch (153 mm) high contrasting suite address numbers or letters shall be placed on the front and rear doors of tenant areas in buildings where applicable.

Section 507.5.1 of the 2010 California Fire Code is amended to read as follows:

507.5.1 Where required. Where a portion of the facility or building hereinafter constructed or moved into or within the jurisdiction is more than 300 feet (91.5 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of facility or the building, on-site fire hydrants and mains shall be provided where required by the fire code official.

> **Exception:** For Group R-3 and Group U occupancies, the distance requirement may be further modified by the fire code official for such occupancies when buildings are equipped throughout with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

Section 509.2 of the 2010 California Fire Code is amended to read as follows:

509.2 Access to fire protection equipment in multi-unit buildings. Approved access shall be provided and maintained for all fire protection equipment to permit immediate safe operation and maintenance of such equipment. Storage, trash and other materials or objects shall not be placed or kept in such manner that would prevent such equipment from being readily accessible. When automatic fire sprinkler systems or fire alarm systems are installed in buildings constructed for multiple tenants and these systems protect multiple tenant spaces, the main controls and control appurtenances, such as risers, fire alarm control panels, and valves for such systems, shall be located in an attached or included room or an approved weather resistant enclosure with at least one exterior access door of not less than 3'-0" by 6'-8.

SECTION 8. A new Section 8.28.060 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.060 Explosives and Fireworks

Section 3310 is added to the 2010 California Fire Code to read as follows:

3310 SALES, USE AND/OR DISCHARGE OF FIREWORKS PROHIBITED

3310.1 General. Except as otherwise provided herein, it is unlawful for any person, business or entity to sell, use or discharge any fireworks within the City including, but not limited to, "safe and sane" fireworks, as the term is defined in the California Health and Safety Code, and other novelty items listed or unlisted by the State Fire Marshal.

> **Exception:** Nothing in this section shall preclude the presentation of a public display of fireworks by the city or, with the written permission of the city, a bona fide, nonprofit public service organization whose principal place of business has been located within the city for no less than five years prior to the effective date of the ordinance codified in this section.

SECTION 9. A new Section 8.28.090 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.090 Fire Protection Systems

Section 901.4.2 of the 2010 California Fire Code is amended to read as follows:

901.4.2 Nonrequired fire protection systems. Any fire protection system or portion thereof not required by this code or the California Building Code shall be allowed to be furnished for complete protection provided such installed system meets the requirements of this code and the California Building Code.

Section 901.10 is added to the 2010 California Fire Code to read as follows:

901.10 Theft deterrents. The fire code official is authorized to require installation methods, mechanisms, devices or other technology that will serve to deter theft or tampering with fire protection appliances.

Section 903.2 of the 2010 California Fire Code is amended to read as follows:

903.2 Where required. An approved automatic fire sprinkler system shall be provided throughout, as defined by the most current edition of NFPA 13, in all newly constructed buildings of any occupancy group when the gross floor area is equal to or exceeds 5,000 square feet, regardless of fire resistive separation walls. In addition, automatic sprinkler systems shall be provided in the locations described in this section. In existing structures not equipped with an automatic fire sprinkler system, the following requirements shall apply:

1. For existing buildings smaller than 5,000 square feet in gross floor area, when an addition to the building causes the structure to exceed 5,000 square feet and such addition is equal to or greater than 50% of the existing square footage or increases of fifteen hundred (1,500) square feet, whichever is less, the entire structure shall be provided with an automatic sprinkler system.

2. For existing buildings larger than 5,000 square feet in gross floor area, when an addition is equal to or greater than 10% of the existing square footage, the entire structure shall be provided with an automatic sprinkler system.

3. For existing buildings larger than 5,000 square feet in gross floor area, when extensive renovation or remodeling is done to more than 50% of the gross floor area, the entire fire area shall be provided with an automatic fire sprinkler system.

For the purposes of this section, extensive renovation or remodeling shall be defined as any change, addition or modification in construction or occupancy or structural repair or change in primary function to an existing structure made by, on behalf of or for the use of a public accommodation or commercial facility that affects or could affect the usability of the building or facility or part thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.

Exceptions:

1. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, and associated electrical power distribution

equipment, provided those spaces or areas are equipped throughout with an automatic fire alarm system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 of the California Building Code or not less than 2-hour horizontal assemblies constructed in accordance with Section 712 of the California Building Code, or both.

2. Automatic fire sprinkler protection for fixed guideway transit systems shall be as per Section 903.2.17.

3. Woodworking operations shall be as per Section 903.2.3.1.

4. Group R - 3, one and two family dwellings shall be as per 2010 California Residential Code Section R313.

5. Except as provided for in Section 903.2.18 for Group U private garages and carports accessory to Group R-3 occupancies, all other buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy as defined in Group U, Chapter 2, of the 2010 California Fire Code.

6. Patio covers.

7. Re-roofing.

8. Decks (except a covered deck).

9. Gazebos.

10. Any work for which a building permit is not required.

11. If, in the opinion of the Fire Code Official, a fire sprinkler system required by this Code would add no safety value to the structure or the systems would add no safety in protecting the environment, this requirement may be waived or, alternate methods of protection may be provided if approved by the Fire Code Official.

Section 903.2.1.1 of the 2010 California Fire Code is amended to read as follows:

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 5,000 square feet (465 m2).

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

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

4. The fire area contains a multitheater complex.

Section 903.2.1.3 of the 2010 California Fire Code is amended to read as follows:

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 5,000 square feet (465 m2).

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

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

4. The structure exceeds 5,000 square feet (465 m2), 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.

Section 903.2.1.4 of the 2010 California Fire Code is amended to read as follows:

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

1. The fire area exceeds 5,000 square feet (465 m2).

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

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

Section 903.2.3 of the 2010 California Fire Code is amended to read as follows:

903.2.3 Group E. Except as provided for in Sections 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 5,000 square feet (465 m2) in area.

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

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 5,000 square feet (465 m2) 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.

Section 903.2.4 of the 2010 California Fire Code is amended to read as follows:

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 greater than 5,000 square feet (465 m2).

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 and mezzanines, exceeds 5,000 square feet (465 m2).

Section 903.2.7 of the 2010 California Fire Code is amended to read as follows:

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 greater than 5,000 square feet (465 m2).

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 5,000 square feet (465 m2).

4. A Group M occupancy is used for the display and sale of upholstered furniture.

5. The structure exceeds 5,000 square feet (465 m2), 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.

Section 903.2.9 of the 2010 California Fire Code is amended to read as follows:

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 greater than 5,000 square feet (465 m2).

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 5,000 square feet (465 m2).

4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (465 m2).

Section 903.2.9.1 of the 2010 California Fire Code is amended to read as follows:

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout buildings used as repair garages in accordance with Section 406 of the California Building Code, as follows:

1. Buildings two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet (465 m2).

2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet (465 m2).

3. Buildings with a repair garage servicing vehicles parked in basements.

4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (465 m2).

Section 903.2.10 of the 2010 California Fire Code is amended to read as follows:

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 5,000 square feet (465 m2).

2. Where the enclosed parking garage is located beneath other groups.

Section 903.3.1.1.1 of the 2010 California Fire Code is amended to read as follows:

903.3.1.1.1 Exempt locations. In other than Group I-2, I-2.1 and I-3 occupancies, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system, in accordance with Section 907.2, that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.

3. Fire service access elevator machine rooms and machinery spaces.

Section 905.4 of the 2010 California Fire Code is amended to read as follows:

905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors, unless otherwise approved by the fire code official.

2. On each side of the wall adjacent to the exit opening of a horizontal exit.

Exception: Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30480 mm) of hose, a hose connection shall not be required at the horizontal exit.

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception: Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a 30-foot (9144 mm) hose stream from a nozzle attached

to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the horizontal exit.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall.

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a hose connection located either on the roof or at the highest landing of a stairway with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

6. Where the most remote portion of a nonsprinklered floor or story is more that 150 feet (45 720 mm) from a hose connection or the most remote portion of a sprinklered floor or story is more than 150 feet (45 720 mm) from a hose connection, the fire code official is authorized to required that additional hose connections be provided in approved locations. The distances from a hose connection shall be measured along the path of travel.

7. When required by other provisions of this code, 2.5 inch valve hose connections, meeting the requirements of this section and Fire Department Standards, shall be located at every other exterior fire department access door as defined by section 2306.6.1 of this code, and arranged so that every portion of the building and its contents can be reached with 150 feet of hose and stream.

Section 907.1.6 is added to the 2010 California Fire Code to read as follows:

907.1.6 Alarm information transmitted. For alarm purposes, the only type of information that shall be transmitted to the Fire Dispatch Center is notification of alarm and reset conditions (not trouble) from thermal, smoke and flame detectors, manual pull stations, extinguishing systems activation, and water-flow devices, duct detection devices, and supervisory signals from valve tampers.

Section 907.1.7 is added to the 2010 California Fire Code to read as follows:

907.1.7 Monitoring company. Only approved companies which posses a current Underwriter's Laboratory, Inc. Certification (UUFX) are permitted to monitor commercial and required residential fire alarm systems. Fire alarm monitoring companies are also required to obtain a fire alarm central / remote station annual permit and pay a permit fee, according to the most current fee schedule adopted by the City Council, for each fire alarm system monitored in the city. Fire alarm monitoring companies shall also provide a list to the Fire Department, in a format designated by the Fire Code Official that includes the following:

1. All addresses of monitored accounts within the city.

2. The business name and address or occupant name if a required residential fire alarm system and address.

3. Name of the contact person at the address.

4. Contact person business telephone number and emergency telephone number at the address.

Section 907.1.8 is added to the 2010 California Fire Code to read as follows:

907.1.8 Authorized alarm companies. Alarm companies planning to install or alter systems in this jurisdiction must meet the following criteria in order to comply with all applicable ordinances and regulations:

1. Must hold a current City Business License.

2. Must hold a current C-10 Contractors License.

3. Must demonstrate that they can provide acceptable maintenance and service in the jurisdiction.

Exception: Local only systems may be installed without a current UL fire alarm, central station (UUFX), or fire alarm installing company (UUJS) certification if expressly permitted by the Fire Code Official.

Section 907.1.9 is added to the 2010 California Fire Code to read as follows:

907.1.9 Location and access. The control unit, remote annunciation panels and access keys to lock fire alarm equipment shall be installed and maintained in an approved location. All keys and other devices necessary to reset the system shall be located in the building's Fire Department access key box, or other location approved by the Fire Code Official.

Section 907.1.10 is added to the 2010 California Fire Code to read as follows:

907.1.10 Reset devices. Reset devices. Key pads serving as sole means of system reset for combined fire and burglary systems shall not be permitted.

Exception: Separate reset codes are provided for the fire and burglary functions.

Section 907.1.11 is added to the 2010 California Fire Code to read as follows:

907.1.11 Electronic submittal of approved plans. Final approved plans, with all required approved stamps and signatures, shall be submitted to the Fire Department in an electronic format designated by the Fire Code Official prior to the final inspection.

Section 910.3.2.2 of the 2010 California Fire Code is amended to read as follows:

910.3.2.2 Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically by the actuation of a heat responsive device rated at least 100 degrees F above the operating temperature of the sprinkler heads, or manually with independent controls for the fire department per section 914.12 of this code.

Section 914.12 is added to the 2010 California Fire Code to read as follows:

914.12 Special requirements for Group M, S-1 or S-2 distribution warehouses greater that 100,000 square feet in floor area. Buildings classified primarily as Group M, Group S, Division 1 or Division 2, with no more than 10% of the building square footage occupied with accessory uses, in which the primary use is wholesale or retail sales of bulk products or packaged materials, or for the storage of commodities for distribution, shall be in accordance with this section.

914.12.1 Fire control room. A fire control room for fire department operations shall be provided. The location and accessibility of the fire control room shall be approved by the fire code official. The fire control room shall be separated from the remainder of the building by walls and ceilings not less than one-hour fire partitions. The room shall be a minimum of 96 square feet (9 m2) with a minimum dimension of 8 feet (2438 mm.) The room shall contain the following as a minimum:

1. The fire alarm control unit and associated equipment.

2. Annunciator panel displaying status of sprinkler control valves and water flow detectors.

3. Main controls and indicators for mechanical smoke exhaust systems.

4. Graphic with schematic indicating building floor plans, means of egress, fire protection systems, firefighting equipment and access.

5. Other firefighting equipment and system controls as required by the fire code official.

6. Emergency lighting powered by the standby electrical system.

914.12.2 Mechanical smoke exhaust. A mechanical smoke exhaust system conforming to the requirements of section 910.4 of this code shall be provided. The system may be combined with environmental or other ventilation air systems when approved by the fire code official.

914.12.3 Standpipe systems. A Class I Standpipe system shall be provided, with hose connections located at fire department access doors as required by section 905.4 of this code. The system may be interconnected with the building automatic sprinkler systems, and may be supplied by adjacent systems or by a separate riser. Standpipe systems shall conform to the requirements of NFPA 14.

914.12.4 Fire department graphic. A printed graphic with schematic diagrams of the building automatic sprinkler systems, fire alarm systems, means of egress, standpipe systems, smoke exhaust systems, access doors, and any other equipment as required by the fire code official shall be superimposed over a building floor plan or site plan and mounted on the wall in a highly visible location in the fire control room. The graphic shall be durable and waterproofed.

914.12.5 Standby power. A standby power generator set conforming to the California Electrical Code shall be provided on the premises, in a protected location. The set shall have a rated capacity necessary to supply the load of all fire protection features listed below at the same time:

1. Emergency lighting and exit signs necessary for egress.

2. Lighting for the fire control room.

3. Signal and communication systems as applicable.

4. Electrically powered fire pumps required to maintain pressure.

5. Mechanical smoke exhaust systems as required by section 914.12.2 of this code.

A fuel supply sufficient for not less than two hours of operation shall be required on the premises. All eclectically connected systems shall be transferred within 60 seconds after losing primary power.

914.12.6 Other requirements. All fire protection systems shall comply with Upland Fire Department Standards regarding installation, signage and labeling, maintenance, and other requirements.

SECTION 10. A new Section 8.28.100 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.100 Flammable Cryogenic Fluids

Section 3506.2 of the 2010 California Fire Code is amended to read as follows:

3506.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within 2,640 feet (800 m) of heavily populated or congested areas. Storage of flammable cryogenic fluids shall not be located within diked areas containing other hazardous materials.

SECTION 11. A new Section 8.28.120 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.120 Schools

Section 405.2.1 is added to the 2010 California Fire Code to read as follows:

405.2.1 Schools. It shall be the duty of the fire chief of the fire department to require all public, private and parochial schools and educational institutions to have regular fire drills, and to keep all doors and exits unlocked during school hours.

SECTION 12. A new Section 8.28.150 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.150 Flammable and Combustible Liquids

Section 3404.2.9.6.1 of the 2010 California Fire Code is amended to read as follows:

3404.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within 2,640 (800m) feet of heavily populated or congested areas.

Section 3406.2.4.4 of the 2010 California Fire Code is amended to read as follows:

3406.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within 2,640 (800m) feet of heavily populated or congested areas.

SECTION 13. A new Section 8.28.170 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.170 Liquefied Petroleum Gases

Section 3804.2 of the 2010 California Fire Code is amended to read as follows:

3804.2 Maximum capacity within established limits. Within the 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 2,000 gallons (7570 L). Storage of liquefied petroleum gas is prohibited within 5,280 feet (1,600 m) of heavily populated or congested areas.

> **Exception:** In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

SECTION 14. A new Section 8.28.185 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.185 Fire-Flow Requirements for Buildings

Appendix B Section B105.2, Exception #1, of the 2010 California Fire Code is amended to read as follows:

B105.2 Buildings other than one- and two-family dwellings.

> **Exception #1:** A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribe duration as specified in Table 105.1.

Appendix BB Section BB105.1 of the 2010 California Fire Code is amended to read as follows:

BB105.1 The minimum fire flow and flow duration for school buildings shall be as specified in Table BB105.1.

> **Exception:** A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an automatic sprinkler system. The resulting fire flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribe duration as specified in Table BB105.1.

SECTION 15. A new Section 8.28.190 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.190 Fire Hydrant Location and Distribution

Appendix C Table C105.1, of the 2010 California Fire Code is amended to read as follows:

Table C105.1

Number and Distribution of Fire Hydrants

FIRE FLOW REQIUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS a,b,c (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT d
1,750 or less	1	300	150
2,000 - 2,250	2	300	150
2,500	3	300	150
3,000	3	300	150
3,500 - 4,000	4	300	150
4,500 - 5,000	5	300	150
5,500	6	300	150
6,000	6	250	150
6,500 - 7,000	7	250	150
7,500 or more	8 or more e	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m

a. Reduce by 100 feet for dead-end streets or roads.

b. Where streets are provided with median dividers which can be crossed by fire fighters pulling hose lines, or where arterials streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.

c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.

d. Reduce by 50 feet for dead-end streets or roads.

e. One hydrant for each 1,000 gallons per minute or fraction thereof.

Appendix CC Table CC105.1, of the 2010 California Fire Code is amended to read as follows:

Table CC105.1

Number and Distribution of Fire Hydrants

FIRE FLOW REQIUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS a,b,c (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT d
1,750 or less	1	300	150
2,000 - 2,250	2	300	150
2,500	3	300	150
3,000	3	300	150
3,500 - 4,000	4	300	150

4,500 – 5,000	5	300	150
5,500	6	300	150
6,000	6	250	150
6,500 – 7,000	7	250	150
7,500 or more	8 or more e	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m

a. Reduce by 100 feet for dead-end streets or roads.

b. Where streets are provided with median dividers which can be crossed by fire fighters pulling hose lines, or where arterials streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.

c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.

d. Reduce by 50 feet for dead-end streets or roads.

e. One hydrant for each 1,000 gallons per minute or fraction thereof.

SECTION 16. A new Section 8.28.200 hereby is added to Chapter 8.28, Title 8 of the Upland Municipal Code to read as follows:

Section 8.28.200 Fire Apparatus Access Roads

Appendix D Section D101.1 of the 2010 California Fire Code is amended to read as follows:

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the California Fire Code.

Appendix D of the 2010 California Fire Code is amended to delete:

Figure D103.1 and **Table D103.4**

Appendix D Section D103.2 of the 2010 California Fire Code is amended to read as follows:

D103.2 Grade. Fire apparatus access roads shall not exceed 6 percent in grade.

> **Exception:** Grades steeper than 6 percent with mitigating protection measures as approved by the fire code official.

Appendix D Section D103.4 of the 2010 California Fire Code is amended to read as follows:

D103.4 Dead Ends. Dead–end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions as determined by the fire code official.

Appendix D Section D103.6.1 of the 2010 California Fire Code is amended to read as follows:

D103.6.1 Roads 20 feet in width to less than 28 feet in width. Fire apparatus access roads 20 feet (6096) wide to less than 28 feet (8535) wide shall be posted on both sides of the road as a fire lane.

Appendix D Section D103.6.2 of the 2010 California Fire Code is amended to read as follows:

D103.6.2 Roads more than 28 feet in width to less than 36 feet in width. Fire apparatus access roads more than 28 feet (8535 mm) wide to less than 36 feet (10,973 mm) in width shall be posted on one side of the road as a fire lane.

Appendix D Section D103.7 is added to the 2010 California Fire Code to read as follows:

D103.7 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed the design limitations of the fire apparatus of the fire department, subject to the approval of the fire chief.

Appendix D Section D103.8 is added to the 2010 California Fire Code to read as follows:

D103.8 Drainage. When subject to run-off damage, the fire chief is authorized to require approved drainage.

Appendix D Section D103.9 is added to the 2010 California Fire Code to read as follows:

D103.9 Bridges and culverts. When a bridge or culvert is required to be used as part of a fire access road, it shall be constructed and maintained in accordance with D102.1. When required by the fire chief, design submittals of such bridges and culverts bearing the stamp of a professional engineer shall be provided.

Appendix D Section D105.4 is added to the 2010 California Fire Code to read as follows:

D105.4 Obstructions. Trees, signs, poles and similar obstructions shall not placed near buildings so as to interfere with the operation of an aerial device on an aerial fire apparatus.

Appendix D Section D107.1 of the 2010 California Fire Code is amended to read as follows:

D107.1 One- or two-family dwelling residential developments. Development of one- or two-family dwellings where the number of dwellings units exceeds 25 shall be provided with separate and approved fire access roads and shall meet the requirements of section D104.3.

Exceptions:

1. Where there are more than 25 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, of the California Fire Code, access from two directions shall not be required.

2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

SECTION 17. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council of the City of Upland hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 18. Penalty for Violation. It shall be unlawful for any person, firm, partnership, or corporation to violate any provision or to fail to comply with any of the requirements of this Ordinance. Any person, firm, partnership, or corporation violating any provision of this ordinance or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefor as provided in this Part.

SECTION 19. Remedies Available. A violation of any of the provisions of this Ordinance shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for abatement of such nuisance.

SECTION 20. The City Clerk shall certify to the passage of the ordinance and shall cause the same to be published as required by law.

The foregoing ordinance was PASSED, APPROVED AND ADOPTED by the City Council of the City of Upland on the 22nd day of November, 2010.

John V. Pomierski

John V. Pomierski, Mayor

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 25th day of October, 2010, and was adopted at a regular meeting of the City Council of the City of Upland on the 22nd day of November, 2010, by the following roll call vote:

AYES:	Mayor Pomierski, Councilmembers Brandt, Musser, Thomas
NOES:	None
ABSENT:	Councilmember Willis
ABSTAINED:	None

ATTEST:

S. Mendenhall

Stephanie A. Mendenhall, City Clerk

ORDINANCE NO. 1857

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND ADOPTING BY REFERENCE THE CALIFORNIA BUILDING CODE, 2010 EDITION, BASED ON THE 2009 INTERNATIONAL BUILDING CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; THE CALIFORNIA MECHANICAL CODE, 2010 EDITION, BASED ON THE 2009 UNIFORM MECHANICAL CODE AS PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; THE CALIFORNIA PLUMBING CODE, 2010 EDITION, BASED ON THE 2009 UNIFORM PLUMBING CODE AS PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS; THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION, BASED ON THE 2008 NATIONAL ELECTRICAL CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION; THE CALIFORNIA EXISTING BUILDING CODE; THE CALIFORNIA HISTORIC BUILDING CODE; THE RESIDENTIAL CODE, 2010 EDITION, BASED ON THE 2009 INTERNATIONAL RESIDENTIAL CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL; THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 EDITION; TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS; REVISING GRADING RESTRICTIONS, AND AMENDING TITLE 15 OF THE UPLAND MUNICIPAL CODE

A. Recitals.

(i) Article 2 of Chapter 1 of Part 1 of Division I of Title 5 of the California Government Code (Section 50020, *et seq.)* authorizes the adoption by reference, of the Codes specified in the title of this Ordinance.

(ii) At least one (1) copy of said Codes and Standards certified as fill, true and correct by the City Clerk of the City of Upland have been filed in the office of the City Clerk in accordance with the provisions of California Government Code Section 50022.6.

(iii) A duly noticed public hearing, as required by California Government Code Section 50022.3, has been conducted and concluded prior to the adoption of this Ordinance.

(iv) All legal prerequisites to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The facts set forth in the Recitals, Part A, of this Ordinance are true and correct.

SECTION 2. Chapters 15.04, 15.08, 15.12, 15.24, 15.28, and 15.32 of the Upland Municipal Code hereby are repealed; provided, however, that said repeal shall not apply to or excuse any violation thereof occurring prior to the effective date of this Ordinance and provided further that the foregoing Chapters as exist prior to the effective date hereof, shall continue to be applicable to construction wherein plans have been submitted for plan cheek as of the effective date of this Ordinance so long as the initial permit therefor is issued no later than one hundred and eighty (180) days after the effective date of this Ordinance.

SECTION 3. A new Chapter 15.04 hereby is added to Title 15 of the Upland Municipal Code to read as follows:

"CHAPTER 15.04
"ADMINISTRATIVE CODE

"Sections

15.04.010 Scope and Administration Division 2- Adopted
15.04.020 Section 101.1.1 Title - Added
15.04.030 Section 101.1.2 Order of precedence-Added
15.04.040 Section 104.6 Right of entry - Amended
15.04.050 Section 105.2 Building permits - Amended
15.04.060 Restrictions on issuing new building permits
15.04.070 Section 105.1.3 Qualifications of permittee – Added
15.04.080 Section 109.1.1 Fees – Added
15.04.090 Section 109.6 Refunds – Amended
15.04.100 Submittal documents – Added
15.04.110 Section 106.6 Electronic submittal of approved plans- Added
15.04.120 Section 114.1 Violations-Amended

15.04.010 Scope and Administration Division 2—Adopted

Chapter 1, Scope and Administration Division 2 of the 2010 California Building Code, as adopted by reference in Chapter 15.08 of this Title, is hereby designated as the administrative code of the city pertaining to building and construction regulations within the city, together with the amendments, additions, deletions and exceptions set forth in this chapter.

15.04.020 Section 101.1.1 Title - Added

Section 101.1.1 of Chapter 1 Division 2 of the 2010 California Building Code is added to read as follows:

Section 101.1.1 Title. These regulations shall be known as the 'Administrative Code' of the City of Upland and will be referred to herein as the 'Administrative Code.'

15.04.030 Section 101.1.2 Order of precedence – Added

A new Section 101.1.2 is added to the Administrative Code to read as follows:

Section 101.1.2 Order of Precedence. In the event of any differences between this Chapter and standard reference documents, the text of this Chapter shall govern. Where a specific provision of this Chapter varies from a general provision the specific provision shall apply.

15.04.040 Section 104.6 Right of entry – Amended

Section 104.6 of the Administrative Code is amended to read as follows:

Section 104.6 Right of Entry. The Building Official, or his other duly authorized representative, shall have the authority to enter any building or premises for the purpose of investigating the existence of suspected or reported damage or defects which constitute an immediate danger to human life or an immediate hazard to public safety or health. Except in emergency situations, the Building Official, or an authorized representative thereof, shall not enter any building or premises without the consent of

the owner or occupant thereof, unless he or she possesses an inspection or search warrant authorizing entry and search of the premises. No person shall hinder or prevent the Building Official, or an authorized representative thereof, while in the performance of the duties herein described as emergency situations or while in possession of an inspection or search warrant, from entering upon and into any and all premises under his or her jurisdiction, at all reasonable hours, for the purpose of inspecting the same to determine whether or not the provisions of this Code and all other applicable laws or ordinances pertaining to the protection of persons or property are observed therein.

15.04.050 Section 105.2 Building permits – Amended

Section 105.2 of the Administrative Code is amended to read as follows:

Section 105.2 Building Permits. A Permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemptions from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected floor area does not exceed 120 square feet.

2. Wood and chain link or similar type of fencing not over 6′ and block walls or similar type not over 2′ maximum above lowest adjacent grade.

3. Oil derricks.

4. Retaining walls which are not over 3 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 III-A flammable or combustible liquids.

5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.

6. Sidewalks and driveways, platforms, decks, and walks not more than 30 inches above grade and not over any basement or story below and/or not part of an accessible route.

7. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work unless required to be accessible.

8. Temporary motion picture, television and theater sets and scenery.

9. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

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

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

12. Window awnings supported by an exterior wall of Group R, Division 3, Occupancies when projecting not more than 54 inches from the exterior wall.

13. Nonfixed and moveable fixtures, racks, counters and partitions not over 5'9" in height unless required to be accessible.

14. Installations underground in mines.

15. Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes.

16. Installations of communication equipment under the exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations.

17. Installations under the exclusive control of public utilities for the purpose of communication, or metering; or the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property.

18. Any structure built primarily within the public right-of-way.

19. Installations on ships, watercraft other than floating buildings, railway rolling stock, aircraft, or automotive vehicles other than mobile homes.

15.04.060 Restrictions on issuing new building permits

The city has contracted with the Chino Basin Municipal Water District for regional sewerage purposes. As a contractual member of the regional sewerage program, the city is required to participate in the final planning of future regional sewerage treatment work. Notwithstanding any provision in this code to the contrary, the city council of Upland is authorized to regulate and restrict the issuance of building permits for new construction by resolution from time to time by this council. The resolution shall include reference to the above stated regional facilities or local collection system expansion needs, and further, shall specify the number, time of issuance, uses or other conditions required for the purpose of regulating and limiting the flow of effluent from the city, or any portion thereof, together with any reasonable exemptions or conditions.

15.04.070 Section 105.1.3 Qualifications of permittee – Added

A new Section 105.1.3 is added to the Administrative Code to read as follows:

Section 105.1.3 Qualifications of Permittee. No person shall be issued a permit under this Chapter until a valid California Contractor's License of the correct classification is presented to the Building Official.
EXCEPTION: Owner-builder permit may be issued for a Group R, Division 3, or Group U occupancy with the approval of the Building Official.

15.04.080 Section 109.1.1 Fees – Added

Section 109.1.1 is added to the Administrative Code to read as follows:

Section 109.1.1 Fees. Fees shall be assessed in accordance with the provisions of the fee schedule adopted by City Council Resolution, as the same may be amended from time to time.

15.04.090 Section 109.6 Refunds – Amended

Section 109.6 of the Administrative Code is amended to read as follows:

Section 108.6 Refunds. The Building Official may authorize refunding of any fee paid hereunder that was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing has commenced.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

15.04.100 Submitted documents—Fee

When submittal documents are required by Section 106.1 of the Administrative Code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review.

15.04.110 Section 107.6 Electronic submittal of approved plans – Added

A new Section 107.6 is added to the Administrative Code to read as follows:
107.6 Electronic submittal of approved plans. Final approved plans, with all required approved stamps and signatures, shall be submitted to the Building Division in an electronic format designated by the Building Official prior to the final inspection."
SECTION 4. A new Chapter 15.08 hereby is added to Title 15 of the Upland Municipal Code to read as follows:

"CHAPTER 15.08
"California Building Code

"Sections
15.08.010 California Building Code - Adopted
15.08.020 Section 1.8.8 Appeals Board – Deleted
15.08.030 Section 903.1.1.1 Sprinkler systems – Added
15.08.030.1 Section 903.2 Where required - Amended
15.08.030.2 Section 903.2.1.1 Group A-1- Amended
15.08.030.3 Section 903.2.1.3 Group A-3 - Amended
15.08.030.4 Section 903.2.1.4 Group A-4 - Amended

15.08.030.5 Section 903.2.3 Group E- Amended
15.08.030.6 Section 903.2.4 Group F-1- Amended
15.08.030.7 Section 903.2.7 Group M- Amended
15.08.030.8 Section 903.2.9 Group S-1 Amended
15.08.030.9 Section 903.2.9.1 Repair garages - Amended
15.08.030.10 Section 903.3.1.1.1 Exempt locations - Amended
15.08.030.11 Section 903.4 Sprinkler system supervision and alarms-Amended
15.08.030.12 Section 905.4 Location of class 1 standpipe hose connections - Amended
15.08.030.13 Section 907.1.6 Alarm information transmitted - Added
15.08.030.14 Section 907.1.7 Monitoring company - Added
15.08.030.15 Section 907.1.8 Authorized alarm companies - Added
15.08.030.16 Section 907.1.9 Location and access - Added
15.08.030.17 Section 907.1.10 Reset devices - Added
15.08.030.18 Section 907.3.1 Duct smoke detectors - Amended
15.08.030.19 Section 910.3.2.2 Sprinklered buildings- Amended
15.08.040 Table 1505.1 - Amended
15.08.050 Appendix B - Amended
15.08.060 Appendix J - Amended
15.08.070 Perimeter swimming pool enclosures
15.08.080 Swimming pool safety features - Single family homes

15.08.010 California Building Code – Adopted

The 2010 California Building Code, Volumes 1 and 2, including Appendix 1, Appendix B, Appendix F, Appendix I, Appendix H, and Appendix J, is adopted in its entirety as the building code of the city, together with the amendments, additions, deletions and exceptions as set forth in this chapter.

15.08.020 Section 1.8.8 Appeals board – Deleted

Section 1.8.8 of the 2010 California Building Code is hereby deleted.

15.08.030 Section 903.1.1.1 Sprinkler systems – Added

A new Section 903.1.1.1 is added to the 2010 California Building Code to read as follows:

Section 903.1.1.1 Sprinkler Systems.

Automatic fire sprinklers shall be installed as required by the most recent edition of the California Fire Code, as adopted and amended by the City of Upland.

15.08.030.1 Section 903.2 Where required – Amended

Section 903.2 of the 2010 California Building Code is amended to read as follows:

903.2 Where required. An approved automatic fire sprinkler system shall be provided throughout, as defined by the most current edition of NFPA 13, in all newly constructed buildings of any occupancy group when the gross floor area is equal to or exceeds 5,000 square feet, regardless of fire resistive separation walls. In addition, automatic sprinkler systems shall be provided in the locations described in this section. In existing structures not equipped with an automatic fire sprinkler system, the following requirements shall apply:

1. For existing buildings smaller than 5,000 square feet in gross floor area, when an addition to the building causes the structure to exceed 5,000 square feet and such addition is equal to or greater than 50% of the existing square footage or increases of fifteen hundred (1,500) square feet, whichever is less, the entire structure shall be provided with an automatic sprinkler system.

2. For existing buildings larger than 5,000 square feet in gross floor area, when an addition is equal to or greater than 10% of the existing square footage, the entire structure shall be provided with an automatic sprinkler system.

3. For existing buildings larger than 5,000 square feet in gross floor area, when extensive renovation or remodeling is done to more than 50% of the gross floor area, and when a change of use, in the opinion of the Fire Code Official, guided by the California Building Code, increases the likelihood of, or increases the danger to occupants in a fire incident, the entire fire area shall be provided with an automatic fire sprinkler system.

For the purposes of this section, extensive renovation or remodeling shall be defined as any change, addition or modification in construction or occupancy or structural repair or change in primary function to an existing structure made by, on behalf of or for the use of a public accommodation or commercial facility that affects or could affect the usability of the building or facility or part thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.

Exceptions: 1. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, provided those spaces or areas are equipped throughout with an automatic fire alarm system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1 hour fire barriers constructed in accordance with section707 of the California Building code or not less than 2-hour horizontal assemblies constructed in accordance with Section 712 of the California building code or both.

2. *Automatic fire sprinkler protection for fixed guideway transit systems shall be as per Section 903.2.17.*

3. Woodworking operations shall be as per Section 903.2.3.1.

4. Group R, Division 3, one and two family dwellings shall be as per the 2010 California Residential Code R313.

5. Patio covers.

6. Re-roofing.

7. Decks (except a covered deck).

8. Gazebos.

9. Any work for which a building permit is not required.

10. If, in the opinion of the Fire Code Official, a fire sprinkler system required by this Code would add no safety value to the structure or the systems would add no safety in protecting the environment, this requirement may be waived or, alternate methods of protection may be provided if approved by the Fire Code Official.

15.08.030.2 Section 903.2.1.1 Group A-1 – Amended

Section 903.2.1.1 of the 2010 California Building Code is amended to read as follows:

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 5,000 square feet (465 m2);

2. The fire area has an occupant load of 300 or more;

3. The fire area is located on a floor other than the level of exit discharge; or

4. The fire area contains a multitheater complex.

15.08.030.3 Section 903.2.1.3 Group A-3 – Amended

Section 903.2.1.3 of the 2010 California Building Code is amended to read as follows:

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 5,000 square feet (465 m2);

2. The fire area has an occupant load of 300 or more; or

3. The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports arenas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

15.08.030.4 Section 903.2.1.4 Group A-4 – Amended

Section 903.2.1.4 of the 2010 California Building Code is amended to read as follows:

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

1. The fire area exceeds 5,000 square feet (465 m2);

2. The fire area has an occupant load of 300 or more; or

3. The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports arenas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

15.08.030.5 Section 903.2.3 Group E – Amended

Section 903.2.3 of the 2010 California Building Code is amended to read as follows:

903.2.3 Group E. *Except as provided for in Sections 903.2.2.1 for a new public school campus and 907.2.3.6.1 (fire alarm and detection) for modernization of an existing campus building(s),* an automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 5,000 square feet (465 m2);

2. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in exempt amounts are used or stored.

15.08.030.6 Section 903.2.4 Group F-1 – Amended

Section 903.2.4 of the 2010 California Building Code is amended to read as follows:

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. Where a Group F-1 fire area greater than 5,000 square feet (465 m2);

2. Where a Group F-1 fire area is located more than three stories above grade plane; or

3. Where the combined area of all Group F-1 fire areas on all floors, including and mezzanines, exceeds 5,000 square feet (465 m2).

15.08.030.7 Section 903.2.7 Group M – Amended

Section 903.2.7 of the 2010 California Building Code is amended to read as follows:

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. Where a Group M fire area greater than 5,000 square feet (465 m2);

2. Where a Group M fire area is located more than three stories above grade plane; or

3. Where the combined area of all Group M fire areas on all floors, including and mezzanines, exceeds 5,000 square feet (465 m2).

15.08.030.8 Section 903.2.9 Group S-1 – Amended

Section 903.2.9 of the 2010 California Building Code is amended to read as follows:

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. Where a Group S-1 fire area greater than 5,000 square feet (465 m2);

2. Where a Group S-1 fire area is located more than three stories above grade plane; or

3. Where the combined area of all Group S-1 fire areas on all floors, including and mezzanines, exceeds 5,000 square feet (465 m2).

15.08.030.9 Section 903.2.9.1 Repair garages – Amended

Section 903.2.9.1 of the 2010 California Building Code is amended to read as follows:

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout buildings used as repair garages in accordance with the *California Building Code*, as follows:

1. Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 5,000 square feet (465 m2).

2. One-story buildings with a fire area containing a repair garage exceeding 5,000 square feet (465 m2).

3. Buildings with a repair garage servicing vehicles parked in the basement.

15.08.030.10 Section 903.3.1.1.1 Exempt locations - Amended

Section 903.3.1.1.1 of the 2010 California Building Code is amended to read as follows:

903.3.1.1.1 Exempt locations. *In other than Group I-2, I-2.1, or I-3 occupancies*, automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.

3. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistive rating of not less than 2 hours.

15.08.030.11 Section 903.4 Sprinkler system supervision and alarms – Amended

Section 903.4 of the 2010 California Building Code is amended to read as follows:

903.4 Sprinkler system supervision and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures, and water-flow switches on all sprinkler systems shall be electrically supervised.

Exceptions:

1. Automatic sprinkler systems protecting one- and two-family dwellings.

2. Limited area systems serving fewer than 20 sprinklers.

3. Jockey pump control valves that are sealed or locked in the open position.

4. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.

5. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.

6. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

15.08.030.12 Section 905.4 Location of Class 1 standpipe hose connections – Amended

Section 905.4 of the 2010 California Building Code is amended to read as follows:

905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following location:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors, unless otherwise approved by the fire code official.

2. On each side of the wall adjacent to the exit opening of a horizontal exit.
Exception: Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a 30-foot (9144 mm) hose stream from a nozzle attached

to 100 feet (30480 mm) of hose, a hose connection shall not be required a the horizontal exit.

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall.

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a hose connection located either on the roof or at the highest landing of a stairway with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

6. Where the most remote portion of a nonsprinklered floor or story is more that 150 feet (45 720mm) from a hose connection or the most remote portion of a sprinklered floor or story is more than 200 feet (60 960 mm) from a hose connection, the fire code official is authorized to required that additional hose connections be provided in approved locations.

7. When required by other provisions of this code, 2.5 inch valve hose connections, meeting the requirements of this section and Fire Department Standards, shall be located at every other exterior fire department access door as defined by section 2306.6.1 of this code, and arranged so that every portion of the building and its contents can be reached with 150 feet of hose and stream.

15.08.030.13 Section 907.1.6 Alarm information – Added

Section 907.1.6 is added to the 2010 California Building Code to read as follows:

907.1.6 Alarm information transmitted. For alarm purposes, the only type of information that shall be transmitted to the Fire Dispatch Center is notification of alarm and reset conditions (not trouble) from thermal, smoke and flame detectors, manual pull stations, extinguishing systems activation, and water-flow devices, duct detection devices, and supervisory signals from valve tampers.

15.08.030.14 Section 907.1.7 Monitoring company – Added

Section 907.1.7 is added to the 2010 California Building Code to read as follows:

907.1.7 Monitoring company. Only approved companies which posses a current Underwriter's Laboratory, Inc. Certification (UUFX) are permitted to monitor commercial and required residential fire alarm systems. Fire alarm monitoring companies are also required to obtain a fire alarm central/remote station annual permit and pay a permit fee, according to the most current fee schedule adopted by the City Council, for each fire alarm system monitored in the city. Fire alarm monitoring companies shall also provide a list to the Fire Department, in a format designated by the Fire Code Official that includes the following:

1. All addresses of monitored accounts within the city.

2. The business name and address or occupant name if a required residential fire alarm system and address.

3. Name of the contact person at the address.

4. Contact person business telephone number and emergency telephone number at the address.

15.08.030.15 Section 907.1.8 Authorized alarm companies - Added

Section 907.1.8 is added to the 2010 California Building Code to read as follows:

907.1.8 Authorized alarm companies. Alarm companies planning to install or alter systems in this jurisdiction must meet the following criteria in order to comply with all applicable ordinances and regulations:

1. Must hold a current City Business License.

2. Must hold a current C-10 Contractors License.

3. Must demonstrate that they can provide acceptable maintenance and service in the jurisdiction.

Exception: Local only systems may be installed without a current UL fire alarm, central station (UUFX), or fire alarm installing company (UUJS) certification if expressly permitted by the Fire Code Official.

15.08.030.16 Section 907.1.9 Location and access – Added

Section 907.1.9 is added to the 2010 California Building Code to read as follows:

907.1.9 Location and access. The control unit, remote annunciation panels and access keys to lock fire alarm equipment shall be installed and maintained in an approved location. All keys and other devices necessary to reset the system shall be located in the building's Fire Department access key box, or other location approved by the Fire Code Official.

15.08.030.17 Section 907.1.10 Reset devices – Added

Section 907.1.10 is added to the 2010 California Building Code to read as follows:

907.1.10 Reset devices. Reset devices. Key pads serving as sole means of system reset for combined fire and burglary systems shall not be permitted. Exception: Separate reset codes are provided for the fire and burglary functions.

Exception: Separate reset codes are provided for the fire and burglary functions.

15.08.030.18 Section 907.3.1 Duct smoke detectors – Amended

Section 907.3.1 of the 2010 California Building Code is amended to read as follows:

907.11 Duct smoke detectors. Duct smoke detectors shall be connected to the building's fire alarm control *unit* when a fire alarm system is provided. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a constantly attended location. Duct smoke detectors shall not be used as a substitute for required open area detection.

Exceptions:

1. The supervisory signal at a constantly attended location is not required where duct smoke detectors activate the building's alarm notification appliances.

15.08.030.19 Section 910.3.2.2 Sprinklered buildings – Amended

Section 910.3.2.2 of the 2010 California Building Code is amended to read as follows:

910.3.2.2 Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically operate automatically by the actuation of a heat responsive device rated at least 100 degrees F above the operating temperature of the sprinkler heads, or manually with independent controls for the fire department per section 914.12 of this code.

15.08.040 Table 1505.1 – Amended

Table 1505.1 of the 2010 California Building Code is amended to read as follows:

TABLE 1505.1

MINIMUM ROOF COVERING CLASSIFICATIONS

TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

Exception to table 1505.1

1. Residential patio or lattice type roofs.

2. Sprinklered trellis work, trellis work consisting of type IV construction as defined in the Building Code, 2007 Edition.

3. Unless otherwise required in accordance with chapter 7A

15.08.050 Appendix B – Amended

Sections B101.1, B101.2, B101.2.1 and B101.2.2 of Appendix B are deleted and replaced with new sections B101.1 and B101.2 to read as follows:

Section B101.1 General. A decision of the Building Official regarding the interpretation or implementation of any provision of this Chapter or the codes hereby adopted shall be final and shall become effective forthwith upon the service of the decision of the Building Official, in writing, upon the permittee. For purposes of this Section, service upon the permittee shall mean either personal delivery or placement in the United States Mail, postage prepaid, and addressed to the permittee at the permittee's last known business address; provided, however, that the permittee may, within 10 days after the effective date of the decision of the Building Official, file an appeal with the City Clerk, in writing, specifying the reason or reasons for the appeal and requesting that the Board of Appeals review the decision of the Building Official.

Section B101.2 Board of Appeals. In order to provide for reasonable interpretation of the provisions of this code and to hear appeals provided for hereunder, the City Council of the city of Upland, consisting of five members, shall serve as the board of appeals unless and until said Council specifically elects to establish a board of appeals consisting of personnel other than members of the Council. In the event that the Council shall elect to establish a board of appeals, they shall create a housing advisory and appeals board consisting of five members who are qualified by experience and training to pass upon matters pertaining to housing. The building official shall be an ex officio member and shall act as the secretary of the board. The housing advisory and appeals board shall be appointed by the Mayor and shall hold office at his or her pleasure. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith.

Whenever the wording "board of appeals" or "housing advisory and appeals board" is used in this code, it shall refer to the city council unless the council elects to designate other personnel as set forth in this section.

15.08.060 Appendix J – Amended

Appendix J is amended by adding Section J101.3 to read as follows:

Section J101.3 Plan Review Fees. When plans or other data are required to be submitted, a deposit for plan review shall be made at the time of submitting plans and specifications for review. The amount of said plan review deposit shall be as set forth by Council Resolution. A separate plan review fee shall apply to retaining walls or major drainage structures as required by Council Resolution. For excavation and fill on the same site, the deposit shall be based upon the volume of earth moved for both excavation and fill.

Grading Inspection Fee. An inspection deposit for each grading permit shall be paid to the Public Works Department as set forth by Council Resolution. Separate permits and fees shall apply to retaining walls or major drainage structures as required by Council Resolution.

15.08.070 Perimeter swimming pool enclosures

A. Notwithstanding any other provision of this Code, all swimming pools shall be entirely enclosed by buildings, or fences or walls not less than five nor more than six feet in height. All such enclosures shall be so constructed as to prohibit the penetration

of a solid object that measures four inches in its least dimension. Hotels and motels which offer a swimming pool as an accommodation to their guests shall be exempt from the above enclosure requirement so long as they provide 24-hour surveillance of the entire area of the pool constantly monitored by video viewer screen and an alarm system covering the entire area of the pool, constantly monitored by an on-duty employee required to be awake during the entire monitoring period. The operation of the surveillance system and monitoring shall be subject to inspection at any time by the city and in the event that the city manager at any time finds that the surveillance and monitoring required fails to meet the standards set forth herein for the exemption, this exemption shall be withdrawn upon a 10-day written notice and the enclosure required shall be constructed.

B. Other than doors from a single-family home, all doors and/or gates opening directly into the pool area shall be equipped with a self-closing, self-latching device designed to keep the door or gate securely closed at times when not in use. The latching device shall be located not less than 60 inches above the adjoining ground level, walks or levels. A gate which services a driveway shall not qualify as meeting the requirements of a self-closing gate. In no case shall any gate have a width greater than four feet unless specifically approved by the administrative authority.

C. Doors, gates, latches, and all other portions of the above enclosures shall be maintained in good condition and shall at all times provide the protection for which they are intended.

D. During the course of construction, a swimming pool shall be filled with water until such time as final inspection has been made and the work approved by the building department. The final inspection shall not be called for until all enclosures, including the enclosure or other safety device required by Section 15.08.090, have been provided, and all electrical and plumbing work has been completed except for finish plastering. No pool shall receive a finish coat of plaster until the above inspection has been made.

15.08.080 Swimming pool safety features—Single-family homes

A. Applicability. In order to prevent child access to swimming pools, any construction of a new swimming pool at a private single-family home shall comply with this section.

B. Definitions. The following words as used in this section shall have the following meaning:

"Alarms" means devices that make audible, continuous alarm sounds when any door or window that permits access from the residence to the pool area that is without any intervening enclosure is opened or is left ajar. Alarms may be battery operated or may be connected to the electrical wiring of the building.

"Approved safety pool cover" means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM) in compliance with standard F1346-91 as may be amended from time to time.

"Building official" means the building official of the city or his or her designee.

"Enclosure" means a fence, wall, or other barrier that isolates a swimming pool from access to the home.

"Public swimming pool" means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the grounds of a private single-family home.

"Swimming pool" or "pool" means any structure intended for swimming or recreational bathing that contains water over 18 inches deep. Swimming pool or pool includes in-ground and above-ground structures and includes, but it not limited to, hot tubs, spas, portable spas and nonportable wading pool.

C. Whenever a construction permit is issued for construction of a new swimming pool at a private, single-family home, it shall be equipped with at least one of the following safety features:

1. The pool shall be isolated from access to a home by an enclosure that meets the requirements of subsection E of this section;

2. If approved by the building official, one of the safety features set forth in subsection (D)(1), (2), (3) or (4) of this section.

D. Whenever a construction permit is issued for construction of a new swimming pool at a private, single-family home and where a wall of a Group R, Division 3 Occupancy of dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, an enclosure meeting the requirements of subsection (C)(1) of this section shall be provided. If approved by the building official, one of the following safety features may be substituted:

1. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 60 inches (1372 mm) above the floor;

2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dB(A) when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 60 inches (1372 mm) above the threshold of the door;

3. An approved safety pool cover;

4. Other means of protection so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

E. An enclosure shall have all of the following characteristics:

1. Any access gates through the enclosure open away from the swimming pool, and are self closing with a self-latching device placed no lower than 60 inches above the ground located on pool side of barrier;

2. A minimum height of 60 inches and maximum height of 72 inches;

3. A maximum vertical clearance from the ground to the bottom of the enclosure of two inches;

4. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than four inches in diameter;

5. An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or foot holds that could enable a child below the age of five years to climb over.

F. The requirements of this section shall not apply to any of the following:

1. Public swimming pools;

2. Hot tubs or spas with locking safety covers that comply with the American Society for Testing Materials-Emergency Performance Specification (ASTM-ES 1389) as may be amended from time to time;

3. An apartment complex or any residential setting other than a single-family home;

4. Any facility regulated by the State Department of Social Services even if the facility is also used as the private residence of the operator. Pool safety in those facilities shall be regulated pursuant to regulations adopted therefor by the State Department of Social Services.

G. Doors, gates, latches, safety pool covers, enclosures, exit alarms or any other safety device installed to prevent access to a swimming pool from the home, shall be maintained in good condition and shall at all times provide the protection for which they are intended.

H. Any person entering into an agreement to building a swimming pool shall give the consumer notice of the requirements of this section."

SECTION 5. A new Chapter 15.10 hereby is added to Title 15 of the Upland Municipal Code to read as follows:

"CHAPTER 15.10
"California Green Building Standards Code

"Sections
15.10.010 California Green Building Standards Code – Adopted

15.10.010 California Green Building Standards Code adopted

The 2010 California Green Building Standards Code is adopted in its entirety by reference, as the green building standards of the city."

SECTION 6. A new Chapter 15.12 hereby is added to Title 15 of the Upland Municipal Code to read as follows:

"CHAPTER 15.12
"California Mechanical Code

"Section
15.12.010 California Mechanical Code – Adopted

15.12.010 California Mechanical Code – Adopted

The 2010 California Mechanical Code is adopted by reference, in its entirety, as the mechanical code of the city."

SECTION 7. A new Chapter 15.14 hereby is added to Title 15 of the Upland Municipal Code to read as follows:

"CHAPTER 15.14
"California Residential Code.

"Sections
15.14.010 California Residential Code – Adopted

15.14.010 California Residential Code adopted

The 2010 California residential Code is adopted by reference, in its entirety as the Residential code of the city, together with the amendments, additions, deletions and exceptions as set forth in this chapter.

15.14.010.1 Residential Code Section R403.1.3 exception– Deleted

SECTION 8. A new Chapter 15.24 hereby is added to Title 15 of the Upland Municipal Code to read as follows:

"CHAPTER 15.24
"California Plumbing Code

"Section
15.24.010 California Plumbing Code – Adopted

15.24.010 California Plumbing Code – Adopted

The 2010 California Plumbing Code is adopted by reference, in its entirety, as the plumbing code of the city."

SECTION 9. A new Chapter 15.28 hereby is added to Title 15 of the Upland Municipal Code to read as follows:

"CHAPTER 15.28
"California Electrical Code

"Sections
15.28.010 California Electrical Code – Adopted
15.28.020 Article 89 Administration – Amended

15.28.010 California Electrical Code – Adopted

The 2010 California Electrical Code is adopted by reference, in its entirety, as the electrical code of the city, together with the amendments, additions, deletions and exceptions as set forth in this chapter.

15.28.020 Article 89 amended—Administration

A new Section 89.108.4.1.(c) is added to Article 89 of the California Electrical Code to read as follows:

(c) Except as otherwise specifically provided for in this Article 089, all administrative, permitting and related requirements of the Electrical Code shall be governed by Chapter 15.04."

SECTION 10. A new Chapter 15.32 hereby is added to Title 15 of the Upland Municipal Code to read as follows:

"CHAPTER 15.32
"California Existing Building Code and California Historical Building Code.

"Sections
15.32.010 California Existing Building Code – Adopted
15.32.020 California Historical Building Code –Adopted

15.32.010 California Existing Building Code adopted

The 2010 California Existing Building Code, published by the International Code Council, is adopted by reference, in its entirety, and shall be utilized in addition to, or alternative to, the 2010 California Historical Building Code, with respect to buildings of historical significance, as defined in California Health and Safety Code Section 18955.

15.32.020 California Historical Building Code adopted

The 2010 California Historical Building Code is adopted by reference, in its entirety, and shall be utilized in addition to, or alternative to, the 2010 California Existing Building Code, with respect to buildings of historical significance."

SECTION 11. Penalties for Violation of Ordinance. It shall be unlawful for any person, firm, partnership, or corporation to violate any provision or to fail to comply with any of the requirements of this Ordinance, or the Codes adopted hereby. Any person, firm, partnership, or corporation violating any provision of this Ordinance, or the Codes adopted

hereby or failing to comply with any of their requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars ($1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm, partnership, corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Ordinance or Codes adopted hereby is committed, continued or permitted by such person, firm, partnership or corporation, and shall be deemed punishable there for as provided in this Ordinance.

SECTION 12. Civil Remedies Available. The violation of any of the provisions of this Ordinance or the codes hereby adopted shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction manner provided by law for the abatement of such nuisances.

SECTION 13. Severability. The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance or the Codes hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance and the Codes hereby adopted shall remain in full force and effect.

SECTION 14. The City Clerk shall certify to the passage of the ordinance and shall cause the same to be published as required by law.

The foregoing ordinance was PASSED, APPROVED AND ADOPTED by the City Council of the City of Upland on the 22nd day of November, 2010.

John V. Pomierski

John V. Pomierski, Mayor

I, Stephanie A. Mendenhall, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 25th day of October, 2010, and was adopted at a regular meeting of the City Council of the City of Upland on the 22nd day of November, 2010, by the following roll call vote:

AYES:	Mayor Pomierski, Councilmembers Brandt, Musser, Thomas
NOES:	None
ABSENT:	Councilmember Willis
ABSTAINED:	None

ATTEST:

Stephanie A. Mendenhall, City Clerk