

BUILDING STANDARDS COMMISSION

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



January 10, 2014

Adria Smith
Deputy Fire Marshal
City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92728

RE: Ordinance #1493 and #1494

Dear Ms. Smith:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 4, 2013.

Our review finds the submittal to contain two ordinances modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modifications are accepted for filing and are enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

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

Sincerely,

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

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF FOUNTAIN VALLEY

FIRE DEPARTMENT

(714) 593-4436 FAX (714) 593-4508

10200 SLATER AVENUE, P.O. BOX 8030, FOUNTAIN VALLEY, CA 92728-8030

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CALIFORNIA BUILDING
STANDARDS COMMISSION

December 2, 2013

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

RE: Adoption of 2013 California Fire and Building Codes

Mr. Dave Walls:

The City of Fountain Valley has adopted the complete Title 24 set of the 2013 California Codes with local amendments, as applicable.

The City of Fountain Valley has recommended changes and modifications to the 2013 edition of the codes and have advised that certain said changes and modifications are reasonably necessary due to local conditions in the City of Fountain Valley 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 Fountain Valley.

The enclosed City Ordinances and Facts and Findings Resolutions are for your files.

If you need additional information, please contact me at (714) 593-4430.

Sincerely,

Adria Smith
Deputy Fire Marshal

Bob Elkins
Building Official

RESOLUTION NO. 9441

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY, CALIFORNIA, SETTING FORTH FINDINGS FOR REQUIRED AMENDMENTS TO THE 2010 CALIFORNIA CODES RELATIVE TO LOCAL CLIMATIC, TOPOGRAPHIC AND GEOLOGIC CONDITIONS

WHEREAS, Health and Safety Code Section 17958 provides that the City of Fountain Valley shall adopt Ordinances and regulations imposing the same or modified or changed requirements as are contained in the regulations adopted by the State pursuant to Health and Safety Code Section 17922; and

WHEREAS, the State of California is mandated by Health and Safety Code Section 17922 to impose the same requirements as are contained in the most recent edition of the California Building Code, the California Green Building Standards Code, the California Residential Code, the California Plumbing Code, the California Mechanical Code, and the California Electrical Code (hereinafter referred to collectively as "Codes"); and

WHEREAS, Health and Safety Code Section 17958.5(a) permits the City to make modifications or changes to the Codes, which are reasonably necessary because of local climatic, geologic, or topographic conditions; and

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making any modifications or changes to the Codes, shall make an express finding that such changes or modifications are reasonably necessary because of local climatic, geologic, or topographic conditions; and

WHEREAS, the City of Fountain Valley Planning and Building Department have recommended that changes and modifications be made to the Codes and have advised that certain said changes and modifications to the California Codes are reasonably necessary due to local conditions in the City of Fountain Valley 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 Codes or are reasonably necessary to safeguard life and property within the City of Fountain Valley.

Now, THEREFORE, The City Council, The City of Fountain Valley does hereby RESOLVE, DETERMINE, and FIND, as follows

Amendments related to life and fire safety contained in Sections 105.8, 109.4, 109.6, 903.2, Table 1505.1, 1505.1.3, 1803.1.1.1, 3109.4.4 and H102.1 of the 2013 Edition of the California Building Code and Sections R105.2, R105.8, R108.5, R108.6, Table R301.2 (1), R313.1, R313.2, R401.4, R403.1.3, R902.1, R902.1.3, R902.2, and R1001.13 of the 2013 Edition of the California Residential Code, and 310.2(B) of the 2013 Edition of the California Electrical Code as recommended by the Fountain Valley Planning and Building Department are hereby found to be reasonably necessary due to the following local conditions:

A. Climatic Conditions

1. Hot, dry Santa Ana winds are common to all areas within the City of Fountain Valley and Orange County in general. These winds, which can cause small fires to spread quickly, are a contributing factor to the high fire danger in the area, and create the need for an increased level of fire protection. This added protection will supplement normal fire department response available and provide immediate protection for life and safety of multiple occupants during fire occurrences.
2. Orange County and the City of Fountain Valley are located in a semi-arid Mediterranean type climate which predisposes all fuels, including wood shingles, to rapid ignition and spread of fire. Therefore, there exists a need for additional fire protection measures.

B. Geologic Conditions

1. Orange County and the City of Fountain Valley are located in a highly active seismic area (Zone D and E). There are earthquake faults that run along both the northeastern and southwestern boundaries of Orange County. The Newport-Inglewood Fault Zone (NIFZ) which runs through Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude, hypocenter off Newport Beach coast), which took 120 lives, with areas damaged from Laguna Beach to Marina del Rey and inland to Whittier, and poses one of the greatest hazards to lives and property in the nation. Regional planning for reoccurrence is recommended by the State of California, Department of Conservation. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The fault on which this quake occurred was unknown prior to this activity. The October 17, 1989, Santa Cruz earthquake resulted in only one major San Francisco fire in the Marina district, but when combined with the 34 other fires and over 500 responses, the department was taxed to its full capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. If more fires had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Experts predict a major earthquake in our area within the next 50 years. This situation creates the need for both additional fire protection measures and automatic on-site fire protection for building occupants since a multitude of fires may result from breakage of gas and electric lines as a result of an earthquake. As noted by "Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, 1988, State Department of Conservation," page 59, "unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe";
2. Traffic and circulation congestion presently existing in the City of Fountain Valley often places fire department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake wherein damage to the highway system will occur. This condition makes the need for additional on-site protection for property occupants necessary.

3. Placement of multiple occupancy buildings, location of arterial roads, and fire department staffing constraints due to recent revenue-limiting state legislation have made it difficult for the fire department to locate additional fire stations and provide manpower sufficient to concentrate fire companies and personnel to control fires in high density apartment or condominium buildings. Fire Department equipment does not allow easy access to areas of buildings greater than 55 feet above the level of Fire Department vehicle access. These conditions create the need for built-in on-site fire protection systems to protect occupants and property until fire fighting apparatus and personnel arrive on the scene.

The City of Fountain Valley is located in an area subject to a climatic condition of high winds and low humidity. This combination of events creates an environment, which is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles, and the requirement to climb 75 feet vertically up flights of stairs will greatly impact the response time to reach an incident scene. Additionally, Section 6, Figure 6-2 of ASCE 7 identifies a significant increase in the amount of wind force at 60 feet above the ground. Use of aerial type fire fighting apparatus above this height would place rescue personnel at increased risk of injury.

The City of Fountain Valley is located in the middle of the seismically active area. The viability of the public water system would be questionable at best after a major seismic event. This would leave tall buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of any available water to floors above the 55-foot level. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors.

4. Untreated wood roofs cause or contribute to serious fire hazard and to the rapid spread of fires when such fires are accompanied by high winds. Pieces of burning wooden roofs become flying brands and are carried by the wind to other locations and thereby spread fire quickly. Recent Grand Jury Report findings support this concern.
5. Questionable soil conditions

Additional amendments have been made to Codes. On the recommendation of the City of Fountain Valley Planning and Building Department, such amendments are hereby found to be either administrative or procedural in nature or concern themselves with subjects not covered in such Codes. The changes made include provisions making each of said Codes compatible with other Codes enforced by the City.

Section 2

Amendments to the 2013 Edition of the California Codes are found reasonably necessary based on the climatic and/or geologic conditions cited in Section 1 of this resolution and are listed as follows:

<u>Code Section</u>	<u>Findings in Section 1</u>
CBC 105, 109	Administrative
CBC 903, 1505	A1, A2
CBC 1803	B1, B4
CBC 3109.4.4.	Administrative
CBC H101.2	Administrative
CRC R105, R108	Administrative
CRC R313, R902, R1001	A1, A2
CRC R401	B1, B4
CEC 310.16	A1, A2, B1

The aforementioned amendments have been incorporated in detail in Ordinance No. __.

Section 3

The City of Fountain Valley Planning and Building Department shall file copies of Resolution No. 9441 and Ordinance No. 1493 with the California Building Standards Commission as required by Health and Safety Code Section 17958.7.

PASSED, APPROVED AND ADOPTED THIS 19th DAY OF NOVEMBER 2013.

ATTEST:

Kathy Heard
City Clerk

[Signature]
Mayor

APPROVED AS TO FORM

[Signature]
City Attorney

The Foregoing instrument is a full, true and correct copy of the original on file in this office

Attest: [Signature]
[Signature]
City Clerk or Deputy City Clerk
City of Fountain Valley

VOTE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF FOUNTAIN VALLEY)

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Resolution was adopted at the Council meeting held on November 19, 2013 by the following vote, to wit:

Ayes: Nagel, Collins, Brothers, Vo,
Absent: None
Noes: McCurdy


Kathleen Heard, Deputy City Clerk

ORDINANCE NO. 1494

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY, CALIFORNIA REPEALING AND REENACTING PORTIONS OF TITLE 18 OF THE FOUNTAIN VALLEY MUNICIPAL CODE AND ADOPTING THE STATE BUILDING STANDARDS CODES AS MODIFIED

WHEREAS, the State of California has adopted standards for building standards pursuant to California Health and Safety Code Section 17922 and those are set forth in Title 24 of the California Code of Regulations; and

WHEREAS, those uniform codes are thereafter the building codes of the state unless a city has, within six months of the date of publication of those codes, adopted those codes with modifications as may be allowed under state law; and

WHEREAS, cities are allowed to modify said codes based on local climatic, topographical or geological conditions pursuant to Health and Safety Code 179578.7 provided such findings are filed with the State Building Standards Commission; and

WHEREAS, the City Council does hereby desire to conduct such public hearings as may be required by law and adopt such uniform codes and certain appendices thereto with modifications as described herein;

NOW, THEREFORE, the City Council does hereby ORDAIN as follows:

SECTION 1:

The City Council finds that due notice of the public hearing on November 19, 2013 conducted in the City Council Chambers, 10200 Slater Avenue, Fountain Valley, was given as required by the Fountain Valley Municipal Code the State of California.

SECTION 2:

That the following Chapters of Title 18 of the Fountain Valley Municipal Code are hereby repealed and reenacted as follows:

“Chapter 18.02- Administrative Code

18.02.010 Administrative Provisions

The provisions of Chapter 1 of the California Building Code 2013 Edition and the 2013 California Administrative Code are hereby adopted as the administrative provisions for all of the state building standards adopted in this Title 18 and shall be the administrative, organizational and enforcement rules and regulations for the technical codes set forth in Title 18 and shall be kept on file with the Planning/Planning and Building Department.

18.02.020 Building Official/department

The Building Official is appointed by the City Manager, or by the City Council, if an independent contractor. The Building Official and his/her authorized representatives that enforce the technical codes set forth in this title may be employees of the city or an independent contractor.

1802.030 Penalties

Any person, firm, or corporation violating any of the provisions of the Building Codes as set forth in this Title is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed one thousand dollars or by imprisonment in the County Jail for not to exceed six months, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of the Building Codes occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Chapter 18.04- Building Code

18.04.010 California Building Code adopted.

The California Building Code, 2013 Edition, including Chapter 1, Division 2, Appendices H, I and J is hereby adopted as the City's building code for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and other structures in the city, except as modified herein. Said Code shall be on file in the Planning and Building Department.

18.04.020 Work exempt from permit

Section 105.2 of Chapter 1 of the California Building Code is amended in the following categories of work that are exempt from building permit:

1. One story detached accessory structures used as storage sheds, playhouses or similar uses, provided the floor area is no greater than 120 square feet, the ceiling height is not over 7 feet, and have no electrical, plumbing or mechanical systems.

2. Fences not over six feet high and block walls not over three feet high.

....

4. Retaining walls which are not over four feet (1,219 mm) 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 liquids.

....

9. Prefabricated swimming pools accessory to a Group R occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

18.04.025 Reconstruction

Section 105.8 Reconstruction is added to Chapter 1 of the California Building Code to read as follows:

105.8. Reconstruction. If the addition, reconstruction, renovation or remodeling of a building is equal to or exceeds 75 percent of the existing habitable square footage of the building, the entire building shall comply with the code provisions for new construction. The 75% referenced above shall include the cumulative permits issued in the previous 2 years.

18.04.030 Work Commencing before Permit Issuance.

Section 109.4 Work commencing before Permit Issuance is amended to read:

Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty equal to double the permit fees. In addition, when required by the Building Official, a special investigation shall be performed at a cost established by separate resolution.

18.04.040 Refunds

Section 109.6 Refund is deleted and amended to read:

'The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80% 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% of the plan review fee when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before the plan is reviewed.

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.

18.04.050 Automatic Fire Sprinkler Systems

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

Where Required. Automatic fire sprinklers shall be provided for the following:

Notwithstanding any provision in Section 903.2 of the CBC and Section 903.2 of the CFC, approved automatic fire sprinklers shall be installed and maintained in accordance with N.F.P.A., Standard 13, when total square footage equals three thousand five hundred square feet or more throughout all buildings as set forth.

Any existing building shall retrofit with automatic fire sprinklers when a structure exceeds three thousand five hundred square feet and additions or tenant improvements are made which exceed thirty percent of the original building square footage.

Exceptions:

1. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than one-hour fire resistance-rated walls and two-hour fire resistance-rated floor/ceiling assemblies.

18.04.060 Minimum Roof Covering

a) Table 1505.1 is amended to read as follows:

**TABLE 1505.1^a
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

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m².

a. Unless otherwise required in accordance with Chapter 7A.

b) Section 1505.1.3 is hereby amended to read as follows:

1505.1.3 Roof coverings within all other areas.

a) The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

b) Section 1505.5 is amended, by the deletion of the entire section.

c) Section 1505.7 is amended, by the deletion of the entire section.

18.04.070 Preliminary Soils Reports

As required by Chapter 18 California Building Code Section 1803.1.1.1. is added to Section 1803.1.1:

The Building Official may require a geologic or geotechnical report or both, in accordance with the 2013 California Building Code; a geologic report shall be prepared by a Certified Engineering Geologist licensed by the State of California. A geotechnical report shall be prepared by a registered Civil Engineer versed in soils engineering and qualified to perform this work. When both a geotechnical and geologic report are

required, the two reports shall be coordinated before submission to the Building Official. The Building Official, at his/her discretion shall obtain any technical support necessary to approve the report. Submitted reports shall contain a finding regarding the safety of the site from any variety of geologic hazard and a finding regarding the effect the proposed improvements, grading and/or construction and use of the site will have on the stability of the site and/or property outside the site. Any recommendation or action presented in the approved reports along with any conditions of approval shall be incorporated into the construction of site improvements. A fee shall be collected for the cost of review of the reports and any required addendums.

18.04.080 Private Swimming Pools

- a) Section 3109.4.4 is amended to clarify that pool barriers which are already in the Code are required to apply to all private swimming pools. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool, spa or hot tub.
- b) Section 3109.4.4.1 shall be amended by adding the following definition:

PRIVATE POOL, is any constructed pool, permanent or portable, and over 18 inches deep which is intended for non-commercial use as swimming pool by not more than three owner families and their guests.

18.04.090 Construction Permit; safety feature, required.

Section 3109.4.4.2 is modified by deleting the first paragraph in its entirety and a new paragraph is substituted to read as follows:

3109.4.4.2 Construction permit; safety features required. Commencing January 1, 1998, except as provided in Section 3109.4.4.5, whenever a construction permit is issued for construction of a new private pool or spa or any building permit is issued for remodeling of an existing pool or spa at a residence, it shall have an enclosure complying with 3109.4.4.3 and, it shall be equipped with at least one of the following safety features:

18.04.100 Signs

Section H101.2 Signs Exempt from Permit.

Section H102.1 is amended to read:

H102.1 Signs exempt from permits. The following signs are exempt from the requirements to obtain a permit before erection:

- 1) Temporary signs announcing the sale or rent of property.
- 2) Signs erected by transportation authorities.

3) The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.

....

Chapter 18.12- Residential Code

18.12.010 Residential Code Adopted.

The California Residential Code, 2013 Edition, is hereby adopted as the residential code for the City with Appendices H and shall apply to those residential structures set forth therein. A copy of said code shall be kept on file with the Planning and Planning and Building Department.

This shall be the City's residential building code for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, occupancy, equipment, use, height, area and maintenance of all residential buildings in the city, except as modified herein.

18.12.020 Work exempt from permit

Section R105.2 is amended in the following categories of building work that are exempt from permit:

1. One story detached accessory structures used as storage sheds, playhouses or similar uses, provided the floor area is no greater than 120 square feet and the ceiling height is not over 7 feet and have no electrical, plumbing or mechanical systems.
2. Fences not over six feet high and block walls not over three feet high.
3. Retaining walls which are not over four feet (1,219 mm) 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 liquids.

....

11. Platforms, walks and driveways not more than thirty inches (762 mm) above grade and not over any basement or story below.

18.12.030 Reconstruction

Section R105.8 Reconstruction is added to Chapter 1 of the California Building Code to read as follows:

R105.8. Reconstruction. If the addition, reconstruction, renovation or remodeling of a building is equal to or exceeds 75 percent of the existing habitable square footage of the building, the entire building shall comply with the code provisions for new construction.

The 75% referenced above shall include the cumulative permits issued in the previous two (2) years.

18.12.040 Refunds

Section R108.5 Refunds is deleted and amended to read:

The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80% 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% of the plan review fee when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before the plan is reviewed.

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.

18.12.050 Penalties.

Section R108.6 Work Commencing before Permit Issuance is amended to read:

Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to double the permit fees as a penalty. In addition when required by the Building Official a special investigation shall be performed at a cost established by separate ordinance.

18.12.060 Climatic and Geographic Design

Table R301.2 (1) is revised to read:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^a	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k		Weathering ^a	Frost line Depth ^b	Termite ^c					
Zero	85	No	D ₂ or E	Negligible	12-24"	Very Heavy	43	No	Ordinance#21.14.040	0	60

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability

Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1 (1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. Temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

18.12.070 Automatic Fire Sprinkler Systems

Section R313.1 exception and R313.2 exception are deleted. The following will be added to R313.1 and R313.2:

Where Required. Automatic Fire Sprinklers shall be provided for the following:

a) A structure exceeds three thousand five hundred square feet and additions or alterations are made which exceed thirty percent of the original building square footage and additions are made which exceed thirty (30) percent of the original building square footage

(b) Any existing building shall retrofit with automatic fire sprinklers when a structure exceeds 3,500 square feet and additions or tenant improvements are made which exceed thirty (30) percent of the original building square footage

18.12.080 Preliminary soils report

As required by Chapter 4 California Residential Code Section R401.4. is amended to read:

The Building Official may require a geologic or geotechnical report or both, in accordance with the 2013 California Residential Code Section R401. This section shall include any new residential construction or additions to existing structures. As part of this evaluation the Building Official shall require a site visit to determine the need for a geologic or geotechnical report or both. A fee shall be collected for each site visit.

A geologic report shall be prepared by a Certified Engineering Geologist licensed by the State of California. A geotechnical report shall be prepared by a registered Civil Engineer versed in soils engineering and qualified to perform this work. When both a geotechnical and geologic report are required, the two reports shall be coordinated before submission to the Building Official. The Building Official, at his/her discretion shall obtain any technical support necessary to approve the report. Submitted reports shall contain a finding regarding the safety of the site from any variety of geologic hazard and a finding regarding the effect the proposed improvements, grading and/or construction and use of the site will have on the stability of the site and/or property outside the site. Any recommendation or action presented in the approved reports along with any conditions of approval shall be incorporated into the construction of site improvements. A fee shall be collected for the cost of review of the reports and any required addendums.

18.12.090 Fully Grouted Stem Walls

Section R403.1.3 is modified by deleting the exception for masonry stem walls:

In Seismic Design Categories D₀, D₁ and D₂ masonry stem walls without solid grout and vertical reinforcing are not permitted.

18.12.0100 Roofing covering materials

Section R902.1 is amended by revising it to allow only class A or B roofs as follows:

R902.1 Roofing covering materials.

Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roofing shall be installed in areas designated by this section. Classes A or B roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.

18.12.110 Roof coverings within all other areas

Section R902.1.3 is amended by revising it to require a minimum Class B roof as follows:

R902.1.3 Roof coverings within all other areas.

The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

18.12.120 Fire-retardant-treated shingles and shakes

Section R902.2, first paragraph is amended by revising it to allow only Class A or B treated wood roofs as follows:

'R902.2 Fire-retardant-treated shingles and shakes.

Fire-retardant-treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use on Class A or B roofs.

18.12.130 Chimney spark arresters

Section R1001.13 Chimney spark arresters of the California Residential Code is hereby added as follows:

R1001.13 Chimney spark arresters. All chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrester. Chimneys serving outdoor appliances or fireplaces shall be equipped with a spark arrester. The spark arrester shall meet the requirements of Section 2113.9.2 of the California Building Code.

....

Chapter 18.16- Plumbing Code

18.16.010 Plumbing Code adopted.

The California Plumbing Code 2013 Edition, including appendix B, D, and F, based on the 2012 Uniform Plumbing Code as published by the IAMPO is hereby adopted as the plumbing code for the City regulating the erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems with the city. Said Code shall be on file in the Planning and Building Department.

Chapter 18.20- California Electrical Code

18.20.010 Electrical Code adopted.

The California Electrical Code 2013 Edition including appendix A, B, C, E, and I, based on the 2011 National Electrical Code as published by the National Fire Protection Association is hereby adopted except as modified herein. Said Code shall be kept on file in the Planning and Building Department.

18.20.020 Copper/aluminum wire.

Article 310.2(B) is hereby amended by the addition of a second paragraph to read:

Copper wire shall be used for wiring No. 6 and smaller in all installations. Consideration for use of aluminum wiring can be made by the building official for feeder lines only on an individual basis where adequate safety measures can be ensured.
(Ord. 1418 § 2, 2007)

18.20.030 Continuous inspection of aluminum wiring.

Article 310.16 is hereby added to read:

Aluminum conductors of No. 6 or smaller used for branch circuits shall require continuous inspection by an independent testing agency approved by the building official for proper torquing of connections at their termination point.

Chapter 18.24- California Mechanical Code

18.24.010 California Mechanical Code adopted.

The California Mechanical Code 2013 Edition including appendix B, D, and F, based on the 2012 Uniform Mechanical Code as published by the IAMPO is hereby adopted and shall regulate and control the design, construction, installation, quality of materials, location, operation and maintenance of the heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances. Said Code shall be on file in the Planning and Building Department.

18.26 2009 Uniform Solar Energy Code adopted

18.26.010 2012 Uniform Solar Energy Code 2012 edition, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted as the Solar Energy Code of the City and a full copy shall be kept on file with the City.

18.28 California Green Building Standards Code adopted

18.28.010 California Green Building Standards Code, 2013 Edition, as set forth in Title 24 of the California Code of Regulations, is hereby adopted as the Green Building Standards Code for the City and a full copy shall be kept on file with the Planning and Building Department.

18.32- 2012 International Property Maintenance Code adopted

18.32.010 International Property Maintenance Code, 2012 Edition, as published by the International Code Council is hereby adopted as the Property Maintenance Code for the City and a full copy shall be kept on file with the Planning and Building Department.

18.33- 2012 Uniform Swimming Pool and Spa adopted

18.33.010 Uniform Swimming Pool and Spa code 2012 edition, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted as the Swimming Pool, Spa and Hot Tub Code of the City and a full copy shall be kept on file with the Planning and Building Department.”

SECTION 3:

The following shall be added to Title 18 of the Fountain Valley Municipal Code to read as follows

“18.22 2013 California Energy Code adopted

18.22.010 2013 California Energy Code. The California Energy Code, 2013 Edition, is hereby adopted as the Energy Code for the City and shall apply to all structures. A copy of said code shall be kept on file with the Planning and Planning and Building Department. ”

SECTION 4:

Chapters 18.06, 18.08, 18.34, and 18.36 of this Title are not affected by this Ordinance and shall remain enacted as adopted and codified.

SECTION 5:

Fees for compliance with the above codes shall be established in a separate resolution.

SECTION 6:

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held out to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council and the City of Fountain Valley hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsection, sentence clause, phrases or portions to be declared valid or unconstitutionally.

SECTION 7:

The City Clerk shall certify to the adoption of this ordinance and cause it to be published as required by law. This ordinance shall become effective thirty (30) days after the date of its adoption.

PASSED, APPROVED AND ADOPTED THIS 19th DAY OF NOVEMBER, 2013.

ATTEST:

Kathy Heard
City Clerk

[Signature]
Mayor

APPROVED AS TO FORM

[Signature]
City Attorney

The foregoing instrument is a full,
true and correct copy of the
original on file in this office

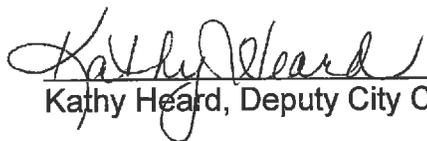
Attest: [Signature]
[Signature]
City Clerk or Deputy City Clerk
City of Fountain Valley

VOTE

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF FOUNTAIN VALLEY }

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Ordinance was introduced to the Council at its regular meeting held on November 5, 2013 and was adopted at a meeting held on the November 19, 2013 by the Council, by the following roll call votes, during each meeting to wit:

AYES: Council Members: Nagel, Brothers, Collins, Vo
NAYS: Council Members: McCurdy
ABSENT: Council Members: None


Kathy Heard, Deputy City Clerk

RESOLUTION NO. 9442

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF FOUNTAIN VALLEY WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA FIRE CODE AS AMENDED BY THE STATE OF CALIFORNIA REASONABLY NECESSARY FOR PRESERVING FIRE AND LIFE SAFETY IN THE CITY OF FOUNTAIN VALLEY

WHEREAS, Health and Safety Code Section 17958 provides that the City of Fountain Valley shall adopt Ordinances and regulations imposing the same or modified or changed requirements as are contained in the regulations adopted by the State pursuant to Health and Safety Code Section 17922; and

WHEREAS, the State of California is mandated by Health and Safety Code Section 17922 to impose the same requirements as are contained in the most recent edition of the California Fire Code (hereinafter referred to as "Code"); and

WHEREAS, Health and Safety Code Section 17958.5(a) permits the City to make modifications or changes to the Codes, which are reasonably necessary because of local climatic, geographic or topographic conditions; and

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making any modifications or changes to the Codes, shall make an express finding that such changes or modifications are reasonably necessary because of local climatic, geographic or topographic conditions; and

WHEREAS, the Fire Department has recommended that changes and modifications be made to the Code and have advised that certain said changes and modifications to the California Fire Code, 2010 Edition are reasonably necessary due to local conditions in the City of Fountain Valley.

NOW, THEREFORE, the City Council of the City of Fountain Valley does hereby RESOLVE and FIND as follows:

Amendments related to fire and life-safety contained in Sections 108.3, 109.4, 113, 503, 901, 903., 5601, 5704, and B105.2 of the 2013 Edition of the California Fire Code as recommended by the Fire Department are hereby found to be reasonably necessary due to the following local conditions.

A. Climatic Conditions

1. Hot, dry Santa Ana winds are common to all areas within the City of Fountain Valley and Orange County in general. These winds, which can cause small fires which spread quickly, are a contributing factor to the high fire danger in the area, and create the need for an increased level of fire protection. This added protection will supplement normal fire department response available and provide

immediate protection for life and safety of multiple occupancy occupants during fire occurrences.

2. Orange County and the City of Fountain Valley are located in a semi-arid Mediterranean type climate which predisposes all fuels to rapid ignition and spread of fire. Therefore, there exists a need for additional fire protection measures.

B. Geographic Conditions

1. Orange County and the City of Fountain Valley are located in Seismic Zone 4. There are earthquake faults that run along both the northeastern and southwestern boundaries of Orange County. The Newport-Inglewood Fault which runs through Orange County was the source of the destructive 1933 Long Beach earthquake which took 120 lives, with areas damaged from Laguna Beach to Marina del Rey and inland to Whittier, and poses one of the greatest hazards to lives and property in the nation. Regional planning for reoccurrence is recommended by the State of California, Department of Conservation. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The fault on which this quake occurred was unknown prior to this activity. The October 17, 1989, Santa Cruz earthquake resulted in only one major San Francisco fire in the Marina district, but when combined with the 34 other fires and over 500 responses, the department was taxed to its full capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. If more fires had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Experts predict a major earthquake in our area within the next 50 years. This situation creates the need for both additional fire protection measures and automatic on-site fire protection for building occupants since a multitude of fires may result from breakage of gas and electric lines as a result of an earthquake. As noted by "Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, 1988, State Department of Conservation," page 59, "unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe";
2. Traffic and circulation congestion presently existing in the City of Fountain Valley often places fire department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake wherein damage to the highway system will occur. This condition makes the need for additional on-site protection for property occupants necessary.
3. The City of Fountain Valley is located in an area subject to a climatic condition of high winds and low humidity. This combination of events creates an environment which is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles greatly impact the response time to reach an incident scene.
4. The City of Fountain Valley is located in the middle of the seismically active area identified as Seismic Zone 4. The viability of the public water system would be

questionable at best after a major seismic event. This would leave tall buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of any available water to floors above the 55-foot level. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors.

5. The City of Fountain Valley is located, at its southernmost part, approximately six miles from the ocean. The city's typical ground water level is at ten feet with the southernmost part of the city at levels as shallow as six to eight feet. This condition makes the City more prone to subsidence issues than most inland communities.

Section 2: Amendments to the 2010 Edition of the California Fire Code are found reasonably necessary based on the climatic and/or geographic conditions cited in Section 1 of this Resolution and are listed as follows:

<u>Code Section</u>	<u>Findings in Section 1</u>
17.101	Administrative
17.108.3	Administrative
17.109.3	Administrative
17.503	Administrative
17.901	Administrative
17.903	A1, A2, B1, B2, B3, B4
17.5601	Administrative
17.5704	B2, B5
17.B105.2	A1, A2, B1, B2, B3, B4

The aforementioned amendments have been incorporated in detail in Ordinance No. 1493.

Section 3: The Fire Department shall file copies of Resolution No. 9442 and Ordinance No. 1493 with the California Building Standards Commission as required by Health and Safety Code Section 17958.7.

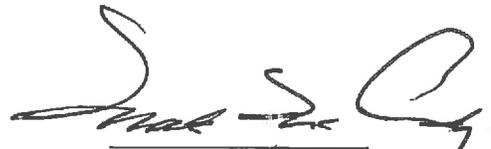
PASSED, APPROVED AND ADOPTED THIS 19 DAY OF November 2013.

ATTEST:

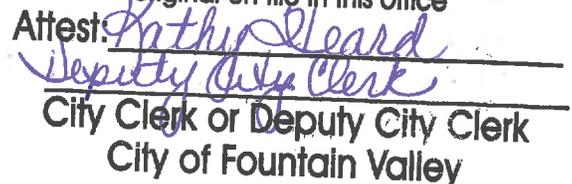

 Kathy Cleard
 City Clerk (Deputy)

APPROVED AS TO FORM


 City Attorney



The Foregoing instrument is a full, true and correct copy of the original on file in this office

Attest: 
 Kathy Cleard
 Deputy City Clerk
 City Clerk or Deputy City Clerk
 City of Fountain Valley

VOTE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF FOUNTAIN VALLEY)

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Resolution was adopted at the Council meeting held on November 19, 2013 by the following vote, to wit:

Ayes: Nagel, Collins, Brothers, Vo, McCurdy
Absent: None
Noes: None


Kathleen Heard, Deputy City Clerk

ORDINANCE NO.1493

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY REPEALING AND REENACTING TITLE 17 OF THE FOUNTAIN VALLEY MUNICIPAL CODE AND ADOPTING THE 2013 CALIFORNIA FIRE CODE INCLUDING CHAPTER 1, DIVISION 2, AND ADMINISTRATIVE PROVISIONS LISTED HEREIN, WITH AMENDMENTS, INTO TITLE 17 OF THE CITY OF FOUNTAIN VALLEY MUNICIPAL CODE.

WHEREAS, cities are generally required to adopt the State Building Standards; and

WHEREAS, cities are allowed to make amendments to those state standards when justified by local topographical, climatic and geographical conditions; and

WHEREAS, contemporaneously herewith the City Council has made such findings and directed that they be submitted to the State forthwith;

NOW, THEREFORE, the City Council does hereby ORDAIN as follows:

Section 1. That Title 17 of the Fountain Valley Municipal Code Section is repealed.

Section 2. That Title 17 of the Fountain Valley Municipal Code Section is hereby reenacted to read as follows:

“Title 17

FIRE PREVENTION

Chapter 17.101

FIRE CODE ADOPTED

17.101 California Fire Code Adopted with Modifications. The California Fire Code, 2013 Edition, is hereby adopted with modifications. The adoption of the Fire Code includes all of the inclusions and exclusions set forth in each chapter’s matrix provided that the following provisions excluded are hereby included: Chapter 1, Division 2 except that Section 103.2 is excluded; and sections 305, 307, 308, 503, 510.2 are included. Other modifications are made as hereinafter set forth in this Title of the Fountain Valley Municipal Code and appropriate findings have been made and filed where required. The California Fire Code, which is based on the International Fire Code, is adopted as noted above and a copy is on file in the office of the City Clerk. This document shall be known and referred to hereafter as the “Fire Code” for the City of Fountain Valley.

Chapter 17.108.3

QUALIFICATIONS

17.108.3 Qualifications – Amended. Notwithstanding Section 108.3 the Board of Appeals shall be the City Manager. If he determines an outside board is needed, he shall designate an outside hearing officer to hear the appeal.

Chapter 17.109.4

PENALTY

17.109.4 Penalty - Amended.

109.4 Violation penalties. Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who 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 as provided in Chapter 1.16 of the Fountain Valley Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Chapter 17.113

FEES

17.113.3 Work commencing before permit issuance. Any person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to a penalty equal to 100 percent of the required permit fee.

17.113.5 Refunds. Refunds shall be issued at the permittees request at a rate of 60 percent of the original permit fee if no inspections took place on the permit. Plan review fees in the amount of 40 percent will be retained by the City.

Chapter 17.503

FIRE ACCESS ROADS

17.503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and Fountain Valley Fire Access Specifications.

Chapter 17.901

FALSE ALARMS

17.901.11 False Alarms. False alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

(a) The owner and any person in possession of any building shall be assessed a fee to be set by resolution whenever the Fire Department is required to respond to more than two false alarms during a one-year period consisting of January 1 – December 31 of any given year. Continued false alarms generated from the same location within the same one-year period shall also be assessed a fee set by resolution for each successive false alarm.

(b) Notwithstanding Subsection (a), whenever the Fire Department is required to respond to a false alarm while the system is being repaired or otherwise modified, and the person performing the work has failed to notify the Fire Department in advance that such work was being done, the persons performing the work shall also be assessed a fee set by resolution for each such occurrence.

(c) For purposes of this Section, “false alarm” shall mean the activation of any local or central station alarm because of malfunction; including, but not limited to, mechanical or electrical defects, water surges, or because of improper installation, operation testing or maintenance of such system. Whenever the Fire Department responds to the location of a false alarm and finds that there is no evidence of a fire or of external causes beyond the control of the owner or person in possession that may have caused the alarm, the activation shall be presumed to be a false alarm. Not included as a false alarm will be those activations caused by earthquakes or other phenomena beyond the control of the owner or person in possession.

(d) Whenever an owner, person in possession or alarm system workman is notified of such assessment and believes that he should be excused from paying because any occurrences did not constitute a false alarm, as defined above, he or she shall have the right to appeal said assessment to the Fire Chief within ten (10) calendar days of his receipt of the notice of assessment. The Fire Chief is authorized to excuse the assessment if he determines that a false alarm, as defined, did not occur.

(e) Any person, firm or corporation who receives notification of penalties due and fails to pay such penalties within the specified amount of time, no less than 30 days, a 10 percent per month late fee will be assessed until penalties have been paid.

Chapter 17.903

AUTOMATIC FIRE SPRINKLER SYSTEMS

17.903.2 Sprinkler systems required. California Fire Code Section 903.2 is amended to read as follows:

'903.2 Where Required. Automatic Fire Sprinklers shall be provided for the following:

- (a) Notwithstanding any provision in Section 903.2 of the CFC and Section 903.2 of the CBC, approved automatic fire sprinklers shall be installed and maintained in accordance with N.F.P.A., Standard 13, when total square footage equals 3,500 square feet or more throughout all buildings as set forth.
- (b) Any existing building shall retrofit with automatic fire sprinklers when a structure exceeds 3,500 square feet and additions-or tenant improvements are made which exceed thirty (30) percent of the original building square footage.

Chapter 17.5601

FIREWORKS

17.5601.2 Fireworks prohibited. The storage, sale, offer for sale or handling of fireworks is prohibited. The provisions of this section do not apply to fireworks displays conducted in accordance with the provisions of any permit issued pursuant to this chapter and Title 19 of the California Code of Regulations, Chapter 6 – Fireworks.

Chapter 17.5704

REMOVAL OF TANKS

17.5704.2.14.1 Fence required. Subsection (7) is added to Section 5704.2.14.1 of the California Fire Code to read:

-
- (7) A five-foot fence or other means of protection as approved by the Chief shall be provided around any open excavation from which an underground tank has been removed when the cavity is left unprotected overnight.

Chapter 17.5704

FLAMMABLE/ COMBUSTIBLE LIQUID TANKS

17.5704.2.9.6.1 is amended by adding the following table:

Tank distances and capacity limits. The California Fire Code is amended by adding Table 17.3404.2.9.6.1 to read:

INDIVIDUAL TANK CAPACITY Gallons (liters)	MINIMUM DISTANCE FROM PROPERTY LINE WHICH IS OR CAN BE BUILT UPON, INCLUDING THE OPPOSITE SIDE OF A PUBLIC WAY feet	MINIMUM DISTANCE FROM THE NEAREST SIDE OF ANY PUBLIC WAY OR FROM THE NEAREST IMPORTANT BUILDING ON THE SAME PROPERTY feet	MINIMUM DISTANCE BETWEEN TANKS feet
Less than or equal to 6,000	25	25	3
Greater than 6,000	50	50	3

Primary tanks shall not exceed a 6,000-gallon individual or 12,000-gallon aggregate capacity.

**Chapter 17.B105.2
APPENDIX B**

Appendix B105.2. Amended. The minimum fire flow and flow duration for building other than one- and two-family dwellings shall be as specified in Table B105.1

Exceptions:

1. A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system in accordance with Section 903.3.1.2. the resulting fire flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1.

**Chapter 17.4000
PARAMEDIC FEES**

17.4001. Paramedic Fees.

(a) Paramedic assessment fees are hereby established to be charged in connection with emergency medical services provided by the Fountain Valley fire department. The amount of such fees shall be set by resolution of the city council on the basis of voluntary subscription or actual use of the service.

(b) There shall be two types of user fees as follows:

(1) The "voluntary subscription fee" shall be offered to residents of the city of Fountain Valley on a voluntary basis for the purpose of assuring subscribers they will not incur a higher direct fee should they require an emergency medical assessment. The voluntary subscription fee covers unlimited initial responses and assessments for medical emergencies to a residence, its inhabitants and guests. The voluntary subscription

fee does not cover separate advanced life support transport or service fees for services not rendered by the city of Fountain Valley.

(2) The "fee for services" shall be a charge designed to recover costs associated with the delivery of emergency medical assessment to persons that do not participate in the voluntary subscription fee system. Such fee for services shall be based on the actual cost of providing a paramedic assessment of the condition of the patient and covers services by paramedics and/or engine companies of the Fountain Valley fire department, when a transport of the patient occurs. Different fees may be charged residents and nonresidents that reflect the support provided to the fire department provided by general taxes, including property taxes.

(c) Any person requesting or benefitting from the services for which a fee for services is charged shall be jointly and severally civilly liable and indebted to the city of Fountain Valley for such fee for service.

17.4002 Advanced life support fees.

In addition to the paramedic assessment fee, in cases in which a paramedic must accompany the patient to the hospital in an ambulance or other emergency vehicle, an advanced life support fee shall also be charged. The fee for such services shall cover the paramedic time and materials spent providing medical accompaniment to the hospital and providing said accompaniment until the emergency room or other qualified staff of the hospital relieve the paramedic(s) of that responsibility.

17.4003 Fees to be established by resolution.

The city council shall by resolution establish all paramedic assessment fees and advanced life support fees. Said fees shall be billed and collected by the city of Fountain Valley for voluntary subscription or fee for services charges for residents and nonresidents. Advanced life support fees shall also be established by resolution. Such fees shall be established based on an analysis of the estimated reasonable cost of providing those services.

17.4004 Collection of fees.

It shall be the duty of the fire department in coordination with the finance department to collect paramedic assessment fees and advanced life support fees. By contract, some or all of these fees may be collected by outside agencies, including, but not limited to, the city's ambulance provider."

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Neither the adoption of this ordinance nor the repeal of any ordinance shall in any manner affect the prosecution of violation of ordinances which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

Section 4. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published as required by law.

This ordinance shall become effective thirty (30) days hereafter and after the State Building Standard Code is effective.

PASSED and ADOPTED this 19th day of November, 2013.

ATTEST:



City Clerk



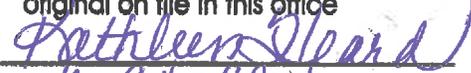
Mayor

APPROVED AS TO FORM:



City Attorney

The Foregoing Instrument is a full,
true and correct copy of the
original on file in this office

Attest: 

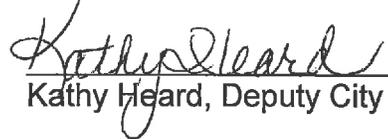
Deputy City Clerk
City Clerk or Deputy City Clerk
City of Fountain Valley

VOTE

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.
CITY OF FOUNTAIN VALLEY }

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Ordinance was introduced to the Council at its regular meeting held on November 5, 2013 and was adopted at a meeting held on the November 19, 2013 by the Council, by the following roll call votes, during each meeting to wit:

AYES: Council Members: Nagel, Brothers, Collins, Vo, McCurdy
NAYS: Council Members: None
ABSENT: Council Members: None



Kathy Heard, Deputy City Clerk