

BUILDING STANDARDS COMMISSION

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



February 24, 2014

Warren Morelion
Building Official
City of Indian Wells
44-950 Eldorado Drive
Indian Wells, CA 92210

RE: Ordinance #675 and #676

Dear Mr. Morelion:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 23, 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 blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings


INDIAN WELLS
CALIFORNIA

RECEIVED
2013 DEC 23 P 1:50
CALIFORNIA BUILDING
OFFICIAL COMMISSION

December 6, 2013

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: James McGowan

RE: City of Indian Wells, Ordinance No. 2013-10 adopting and amending the California Building Standards Code

Dear Mr. McGowan:

The City of Indian Wells recently adopted the current California Building Standards Code. In doing so, the City has recommended changes and modifications to the Code and have advised that certain said changes and modifications to the Code are reasonably necessary due to local conditions in the City 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.

I am hereby transmitting one certified copy of Ordinance No. 2013-10, which amends the Code and includes express findings justifying the amendments.

Please provide confirmation that such materials have been received and filed by your office. The local amendments were adopted by the Indian Wells City Council on December 5, 2013, and will take effect January 5, 2014.

If additional information is desired please telephone this office at (760) 346-2489, extension 228.

Sincerely,


Warren Morelion, AICP
Community Development Director / Building Official

Attachments

ORDINANCE NO. 675

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTERS 21.23 AND 21.24 OF THE INDIAN WELLS MUNICIPAL CODE TO PERMIT TRANSITIONAL AND SUPPORTIVE HOUSING BY RIGHT IN THE VERY LOW DENSITY RESIDENTIAL AND LOW DENSITY RESIDENTIAL ZONING DISTRICTS AS OUTLINED BY THE STATE IN SUPPORT OF THE 2008-2014 HOUSING ELEMENT, AND FIND THAT NO FURTHER CEQA REVIEW IS REQUIRED DUE TO THE CITY'S CERTIFICATION OF THE GENERAL PLAN EIR AND APPROVAL OF THE HOUSING ELEMENT ADDENDUM THERETO

WHEREAS, on August 8, 2013, the City Council approved Zoning Text Amendment No. 2013-01 (the "Text Amendment") amending various sections of the Indian Wells Municipal Code to update various provisions of the Zoning Code to implement housing requirements as outlined by the State in support of the 2008-2014 Housing Element; and

WHEREAS, on August 21, 2013, the City sent the Draft 2014-2021 Housing Element to the State Department of Housing and Community Development ("HCD") for review and comment; and

WHEREAS, the HCD has reviewed the Draft 2014-2021 Housing Element and recommends additional Zoning Code changes prior to certification of the document; and

WHEREAS, the City of Indian Wells (the "City") desires and intends to adopt a modification to the Text Amendment amending Chapters 21.23 and 21.24 of the Indian Wells Municipal Code to permit Transitional and Supportive Housing by right in the Very Low Density Residential and Low Density Residential zones as identified by HCD in support of the 2008-2014 Housing Element; and

WHEREAS, on September 26, 2013, the Planning Commission held a duly noticed public hearing in conformance with Government Code Section 65854 and adopted Resolution No. PC 2013-09, recommending that the City Council adopt an Ordinance approving the Text Amendment as set forth herein; and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider the Text Amendment was given in accordance with applicable law; and

WHEREAS, on October 17, 2013, the City Council held a duly noticed public hearing on the proposed Text Amendment; and

WHEREAS, after careful consideration of the staff report and all of the information, evidence, and testimony presented at its public hearing, the City Council finds as follows:

Zone Text Amendment Findings:

1. The proposed Zone Change is consistent with the City of Indian Wells General Plan or any amendment approved concurrently with the Zone Change.

FACT: The proposed Text Amendment will ensure compliance with the 2008-2014 Housing Element adopted in 2009, which is one of several elements of the City's General Plan.

2. The proposed Zone Change is consistent with the intent and objectives of this Zoning Code.

FACT: The proposed Text Amendment is consistent with the intent and objectives the Indian Wells Municipal Code Title 21 and will ensure compliance with the 2008-2014 Housing Element adopted in 2009.

3. The proposed Zone Change is consistent with any applicable area Master Development Plan or Specific Plan.

FACT: The proposed Text Amendment will ensure compliance with the 2008-2014 Housing Element adopted in 2009 and will be consistent with any applicable area Master Development Plan or Specific Plan.

4. The proposed Zone Change is in the best interests of the health, safety and welfare of the community.

FACT: The proposed Text Amendment is in the best interests of the health, safety and welfare of the community as it will ensure compliance with the 2008-2014 Housing Element, which is intended to guide residential development and preservation in a way that is consistent with the overall social and economic values of the community as well as meeting State laws pertaining to the provision of housing opportunities for all income groups in the City.

5. Adequate sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection/emergency medical care, vehicular circulation and school facilities will be available to serve the area affected by the proposed Zone Change when development occurs.

FACT: The proposed Text Amendment will ensure compliance with the 2008-2014 Housing Element adopted in 2009 and will have no negative impact on public services or utilities.

Environmental Findings:

1. The proposed Text Amendment changes to implement the 2008-2014 Housing Element Update were analyzed as part of the Addendum to the certified Environmental Impact Report ("EIR") for City of Indian Wells General Plan for the 2008-14 Housing Element Update Cycle State Clearinghouse #94092037 ("Housing Element Addendum"), that was approved by the City in 2009. Specifically, the Text Amendment changes implement 2008-2014 Housing Element Update Objective A.1 (Affordable Housing Overlay), Objective B.1.1 (Small and Large Residential Care Facilities), Objectives B.1.2 and B.1.3 (Emergency Shelters, Transitional Housing and Supportive Housing, Objective B.1.5 (Single Room Occupancy (SRO) Units, and Objective D.3 (Remove Definition of "Family") each of which was expressly considered in the Housing Element Addendum (Addendum, Section 2: Project Description, Summary of Modifications at pages 4 and 5).

The Housing Element Addendum found that "the changes to the Housing Element that updated existing conditions and added new policies to meet the housing needs of all income groups as required by State law do not represent significant changes in the Approved Project (General Plan) relative to California Environmental Quality Act ("CEQA") in that they would not change the assumptions, analysis, conclusions, or mitigation for the Approved Project. In addition, the changes do not alter the significance conclusions of the Approved Project, and do not represent significant new information. As outlined in the original EIR and this Addendum analysis, all impacts of the Modified Project [General Plan as modified by the 2008-2014 Housing Element] were fully examined in the previous EIR and mitigated, and the proposed changes do not require substantial changes to the prior certified EIR, or previously adopted mitigation measures." (Addendum, Section 4: Summary of Impacts and Conclusions at page 15.)

Accordingly, the City has determined that the proposed Text Amendment changes do not require the preparation of a separate Addendum to the General Plan EIR, nor do they require the preparation of a subsequent or supplemental EIR, as, pursuant to CEQA Guidelines Section 15162, the Text Amendments do not present a substantial change or new information beyond that which was considered in the General Plan EIR and Housing Element Addendum such that further CEQA analysis would be required. The environmental impacts associated with implementation of the Code changes were specifically contemplated in the Housing Element Addendum, and pursuant to the findings in the Housing Element Addendum, were fully analyzed and mitigated in the General Plan EIR. The preparation of further CEQA documentation is not necessary for this project.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 21.23.030 of the Indian Wells Municipal Code is hereby amended by adding subsection (j) to read in its entirety as follows:

"(j) Transitional and Supportive Housing"

SECTION 2. Section 21.24.030 of the Indian Wells Municipal Code is hereby amended by adding subsection (j) to read in its entirety as follows:

"(i) Transitional and Supportive Housing"

SECTION 3. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to, or deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after passage.

SECTION 5. Publication. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 5th day of December, 2013.

I HEREBY CERTIFY this to be a
true copy of Ordinance
No. 675

December 5, 2013 held/dated.
12/19/2013
Date
Anna Grandys
Chief Deputy City Clerk


TED J. MERTENS
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE NO. 675

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. 675, having been regularly introduced at the meeting of October 17, 2013, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on 5th day of December, 2013, and said Ordinance was passed and adopted by the following stated vote, to wit:

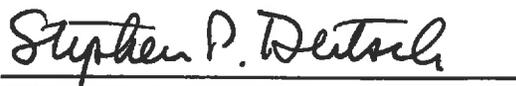
AYES: Hanson, Mertens, Mullany, Peabody, Roche
NOES: None

and was thereafter on said day signed by the Mayor of the City of Indian Wells

ATTEST:

APPROVED AS TO FORM:


WADE G. MCKINNEY
CITY MANAGER/CITY CLERK


STEPHEN P. DEITSCH
CITY ATTORNEY



2014 JUN 15 PM 1:15
COMMUNITY DEVELOPMENT
CITY OF INDIAN WELLS

January 9, 2014

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: James McGowan

RE: *City of Indian Wells, Ordinance No. 676 adopting and amending the California Building Standards Code.*

Dear Mr. McGowan:

The City of Indian Wells recently adopted the current California Building Standards Code. In doing so, the City has recommended changes and modifications to the Code and have advised that certain said changes and modifications to the Code are reasonably necessary due to local conditions in the City 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.

I am hereby transmitting one certified copy of Ordinance No. 676 which amends the Code and includes express findings justifying the amendments.

Please provide confirmation that such materials have been received and filed by your office. The local amendments were adopted by the Indian Wells City Council on November 21, 2013, and will take effect January 4, 2014.

If additional information is desired please telephone this office at (760) 776-0229.

Sincerely,

Warren Morelion, AICP
Community Development Director / Building Official

Attachments

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ORDINANCE NO. 676

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTERS 16.12, 16.16, 16.20, 16.24, 16.30, 16.32, 16.33, 16.34, 16.35 AND 16.38 OF THE INDIAN WELLS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24); INCLUDING THE 2013 CALIFORNIA BUILDING CODE (INCORPORATING AND AMENDING THE 2012 INTERNATIONAL BUILDING CODE); THE 2013 CALIFORNIA RESIDENTIAL CODE (INCORPORATING AND AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE); THE 2013 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2011 NATIONAL ELECTRICAL CODE); THE 2013 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2012 UNIFORM MECHANICAL CODE); THE 2013 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2012 UNIFORM PLUMBING CODE); THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND THE 2013 CALIFORNIA FIRE CODE (INCORPORATING AND AMENDING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE); TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO; AND ADOPTING BY REFERENCE THE 2012 UNIFORM SWIMMING POOL, SPA & HOT TUB CODE AND THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, pursuant to Government Code Section 50022.1 *et seq.* the City may adopt by reference the California Building Standards Code, 2013 Edition as provided in Title 24 of the California Code of Regulations, and other codes, including, without limitation, the 2012 Uniform Swimming Pool, Spa & Hot Tub Code and the 2012 International Property Maintenance Code; and

WHEREAS, the California Building Standards Commission ("Commission") recently adopted the 2013 Edition of the California Building Standards Code; and

WHEREAS, California Health and Safety Code Section 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City of Indian Wells desires to adopt the California Building Standards Code; including the California Building Code, 2013 Edition, which incorporates and amends the International Building Code and Appendices, 2012 Edition; the California Residential Code, 2013 Edition, which incorporates and amends the International Residential Code and Appendices, 2012 Edition; the California Electrical Code, 2013 Edition, which incorporates and amends the National Electrical Code and Appendices, 2011 Edition; the California Mechanical Code, 2013 Edition, which incorporates and amends the Uniform Mechanical Code and Appendices, 2012 Edition; the California Plumbing Code, 2013 Edition, which incorporates and amends the Uniform Plumbing Code and Appendices, 2012 Edition; the California Green Building Standards Code, 2013 Edition; and the California Fire Code, 2013 Edition, which incorporates and amends the International Fire Code and Appendices, 2012 Edition (collectively, the "Codes"); together with the necessary amendments to assure the Codes are tailored to the particular safety needs of the City as required by its unique climatic, geological and topographical conditions; and

WHEREAS, the Building Official has recommended that changes and modifications be made to the Codes, and has advised that certain changes and modifications to said Codes are reasonably necessary due to local conditions within the City of Indian Wells, and have further advised that the remainder of the 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 Indian Wells; and

WHEREAS, the Building Official has also recommended that changes and modifications be made to the Codes, which are necessary for administrative clarification and to establish administrative standards for the effective enforcement of the building standards of the City of Indian Wells and do not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5; and

WHEREAS, the City Council conducted first reading of this ordinance on November 7, 2013; and

WHEREAS, notice of a public hearing on this ordinance was published in the on November 5, 2013 and November 12, 2013; and

WHEREAS, the City Council held a public hearing on November 21, 2013, as required by law, at which time the Council determined that the adoption of the Codes and amendments thereto are in the best interest of the City and are based on the findings required by law; and

WHEREAS, at least one copy of each of the Codes adopted by reference by this ordinance were available for public inspection at the office of the City Clerk fifteen days preceding the public hearing pursuant to Government Code Section 50022.6.

NOW, THEREFORE, the City Council of the City of Indian Wells **DOES ORDAIN AS FOLLOWS**:

SECTION 1. Authority. The City Council enacts this Ordinance under the authority granted to the City as follows:

A. California Government Code Section 50022.1 et seq. authorizes the City to adopt by reference the California Building Standards Code and authorizes the City to adopt other codes by reference;

B. California Health & Safety Code Section 17958.7 and 18941.5 authorize the City to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions

SECTION 2. Findings. To the extent that changes and modifications to the 2013 California Building Standards Code in this ordinance are deemed more restrictive than the standards contained in the 2013 California Building Standards Code thus requiring that findings be made pertaining to local climactic, geological, or topographical conditions to justify such modifications, the City Council hereby finds and determines as follows:

1. Extreme surface temperatures common in the lower desert areas, one hundred sixty (160) degrees Fahrenheit plus, deteriorates and dries out buildings' materials

and our high winds create extreme fire conditions which are detrimental to the general public.

(Applicable to Amendments to Building Code Sections 907.2.8 thru 907.2.10 and 1505.1)

2. The use of aluminum and copper-clad aluminum conductors, feeder conductors, branch circuit conductors, taps and service entrance cable is expressly prohibited, notwithstanding all provisions of the 2010 California Electrical Code. The coefficient of expansion of aluminum has created untold problems whereby outside ambient temperatures in sunlight reach one hundred sixty (160) degrees Fahrenheit. When load is applied, which generates additional heat, failure occurs and creates motor burnout, fires, electrical shock and hazards detrimental to the general public.

(Applicable to Amendments to Electrical Code Sections 230.1 and 310.106B)

3. Findings related to the Fire Code are included in Section 8 below and are incorporated by this reference.

SECTION 3. Chapter 16.12, of the Indian Wells Municipal Code, is amended and restated in its entirety to read as follows:

"Chapter 16.12

California Building Code

Sections:

16.12.000	Adoption by reference.
16.12.010	Amendment to Section 113 – Board of Appeals.
16.12.020	Amendment to Section 105.5 – Permits – Expiration.
16.12.030	Amendment to Section 109.2 – Fees – Schedule of permit fees.
16.12.040	Addition to Section 110.1 – Inspections – General.
16.12.050	Amendment to Section 1505.1 – Fire Classification – General – Deleting combustible roofing materials from the list of permissible roofing materials for roofing a new structure except for re-roofs.
16.12.055	Reserved.
16.12.070	Amendment to Sections 907.2.8 – Group R-1; 907.2.9 – Group R-2 and R-2.1; and 907.2.10 – Group R-4.

16.12.000 Adoption by reference.

A. The California Building Code, 2013 Edition, Volumes 1 and 2, which incorporates and amends the International Building Code, 2012 Edition published by the International Code Council, including Chapter 1 and Appendices, based on the International Building Code, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the building code of the City.

B. At least one copy of said codes are on file in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.

16.12.010 Amendment to Section 113 – Board of Appeals.

Section 113 of the California Building Code is amended to read as follows:

113.1 General. The City Council shall hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code. The City Council shall render all decision and findings in writing to the appellant with a duplicate copy to the Building Official.

113.2 Limitations and Authority. The City Council shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the City Council be empowered to waive requirements of this Code.

113.3 Procedure for Filing an Appeal. Any person desiring a review of a decision by the Building Official may file a request with the City Council for a hearing, upon the forms provided by the Board within ten (10) days after the date of said decision. The effect of the decision to be reviewed is suspended until the termination of the hearing.

113.4 Hearing. The City Council shall fix the time and place of the hearing which shall be at a meeting of the City Council held not less than five (5) nor more than fifteen (15) working days after the date of filing of the request for hearing. The City Council shall give written notice of the time and place of the hearing to the applicant and the Building Official. Witnesses may be sworn and examined and evidence produced by the interested parties who shall appear in person only. The Board shall keep a record of the proceedings of each hearing.

113.5 Recommendation of the Board. The City Council shall make written findings and conclusions of its recommendations to the Building Official within five (5) days after the close of the hearing. The affirmative vote of not less than three (3) members shall constitute the recommendation of the Council.

16.12.020 Amendment to Section 105.5 – Permits – Expiration.
Section 105.5 of the California Building Code is amended to read as follows:

Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days, or if the building or work authorized by such permit is not completed within two (2) calendar years from the issuance date of the permit.

Before such work can be recommenced, a new permit, or a renewed permit as specified below, shall be first obtained. No permit shall be renewed more than once.

For permits where work has not commenced, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid.

For permits where work had commenced and was subsequently suspended or abandoned, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new

permit is paid, except that where construction has progressed and has been approved to the point whereby only a final inspection is required, a fee equal to one quarter the amount required for a new permit shall be paid.

For permits where construction activities have exceeded two (2) years beyond the issuance date or any extension thereof, a renewed permit is required. The renewed permit shall not be issued unless the permittee signs an agreement committing to complete the building, or at a minimum to complete all exterior work including but not limited to painting and landscaping, within a reasonable period of time as determined by the Building Official. The permittee shall post a completion bond in the estimated amount of the work remaining to be done.

Any permittee holding an unexpired permit may apply for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, he was unable to complete the work within the time required by this Section. The Building Official may extend the time for completion by the permittee for a period not exceeding six (6) calendar months upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the construction the work. No permit shall be extended more than once. The Building Official may require the permittee to sign an agreement committing to complete the work within a reasonable period of time as determined by the Building Official and to post a completion bond in the estimated amount of the work remaining to be done.

If the permittee fails to complete the work of construction within the time required, the permittee is subject to a civil penalty in addition to any other legal or equitable remedy available to the City. The Building Official is authorized to abate any unsafe condition or nuisance created by such incomplete work. The amount of the civil penalty shall not to exceed fifty dollars (\$50.00) per day for the first sixty (60) days, seventy-five dollars (\$75.00) per day for the next sixty (60) days, and one hundred dollars (\$100.00) per day thereafter. In setting the amount of the civil penalty, the following factors shall be considered: 1) whether the delay was beyond the control of the permittee, 2) any other justifiable reason for the delay, 3) the degree to which the construction site reduces property values, 4) the appearance of the construction site, 5) the estimated cost of the remaining work and the overall project cost, 6) any other reasonable factor that bears on the appropriateness of the amount of the civil penalty. Any permittee may appeal the imposition of a civil penalty to the City Council. The Council shall hold a public hearing and determine whether there is a justifiable reason for all or a part of the delay and whether the amount of the civil fine is reasonable."

16.12.030 Amendment to Section 109.2 – Fees – Schedule of permit fees.

Section 109.2 of the California Building Code is amended to read as follows:

The fee for each permit shall be as set forth by fee resolution of the City Council.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

16.12.040 Addition to Section 110.1 – Inspections – General.

The following sentence is added to Section 110.1 of the California Building Code to read as follows:

Survey Stakes shall be provided prior to first inspection, and maintained so they are clearly visible until after the Certificate of Occupancy has been issued, except for repair or remodeling work which does not relate to setback requirements.

16.12.050 Amendment to Section 1505.1 – Fire Classification – General – Deleting combustible roofing materials from the list of permissible roofing materials for roofing a new structure except for re-roofs.

Section 1505.1 is amended to read as follows:

Section 1505.1 The roof covering on any new residential structure regulated by this Code shall be a Class A roof covering as specified in Section 1505.2. All roof coverings on new structures shall be Class A roof covering as specified in Section 1505.2. The Class A roof covering shall comply with the test standard for determining fire retardancy of roof covering materials and comply with the Indian Wells Building Code.

(a) The roof-covering assembly includes the roof deck, interlayment, insulation, and the Class A covering.

(b) Re-roofing an Existing Structure. All re-roofings of existing structures, including partial re-roofings, shall be Class A fire retardant roof coverings that conform to California Building Code, 2013 Edition for Class A roof coverings.

This requirement shall not apply to the partial re-roofing of an existing structure where the re-roofing repairs, replaces, or overlays less than twenty-five percent (25%) of the roof area of the structure. If the re-roofing repairs, replaces, or overlays more than twenty-five percent (25%) but less than fifty percent (50%) of the roof area of the structure, this requirement shall apply but an application for a waiver of this requirement may be filed with the Building Official. The Building Official shall determine if a waiver is appropriate. An appeal of the Building Official's decision to deny a waiver may be made to the Planning Commission if a written notice of the appeal is filed with the City Clerk. The decision of the Planning Commission to affirm the Building Official's denial of a waiver may be appealed to the City Council if a written notice of the appeal is filed with the City Clerk. The decision of the City Council shall be final. No application for a waiver may be filed or granted if the re-roofing repairs, replaces, or overlays fifty percent (50%) or more of the roof area of the structure.

(c) Wood, asphalt or fiberglass roof shingles can be utilized in the partial re-roofing of an existing structure where the re-roofing repairs, replaces, or overlays less than twenty-five percent (25%) of the roof area of the structure. If the re-roofing repairs, replaces, or overlays more than twenty-five percent (25%) but less than fifty percent (50%) of the roof area of the structure, this requirement shall apply but an application for a waiver of this requirement may be filed with the Building Official.

16.12.055 Reserved.

16.12.070 Amendment to Sections 907.2.8 – Group R-1; 907.2.9 – Group R-2 and R-2.1; and 907.2.10 – Group R-4.

The following is added to Section 907.2.8 of the California Building Code to read as follows:

When a permit is required for an addition, alteration or repair to a Group R-1 Occupancy or when one or more sleeping rooms are added or created in existing Group R-1 Occupancies, smoke detectors shall be installed in accordance with this Section.

EXCEPTION: Repairs to the exterior surfaces of a Group R-1 Occupancy are exempt from the requirement of this Section."

The following is added to Section 907.2.9 of the California Building Code to read as follows:

When a permit is required for an addition, alteration or repair to a Group R-2 or R-2.1 Occupancy or when one or more sleeping rooms are added or created in existing Group R-2 or R-2.1 Occupancies, smoke detectors shall be installed in accordance with this Section.

EXCEPTION: Repairs to the exterior surfaces of a Group R-2 or R-2.1 Occupancy are exempt from the requirement of this Section."

The following is added to Section 907.2.10 of the California Building Code to read as follows:

When a permit is required for an addition, alteration or repair to a Group R-4 Occupancy or when one or more sleeping rooms are added or created in existing Group R-4 Occupancies, smoke detectors shall be installed in accordance with this Section.

EXCEPTION: Repairs to the exterior surfaces of a Group R-4 Occupancy are exempt from the requirement of this Section."

SECTION 4. Chapter 16.16 of the Indian Wells Municipal Code is amended and restated in its entirety to read as follows:

"Chapter 16.16

California Mechanical Code

Sections:

- | | |
|-----------|-------------------------------------|
| 16.16.000 | Adoption by reference. |
| 16.16.010 | Section 115.2 – Fees – Permit Fees. |

16.16.000 Adoption by reference.

A. The California Mechanical Code, 2013 Edition, which incorporates and amends the Uniform Mechanical Code, 2012 Edition, published by the International Association of Plumbing and Mechanical Officials, including Chapter 1 and Appendices, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the mechanical code of the City.

B. At least one copy of said mechanical code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.

16.16.010 Section 114.2 – Fees – Permit Fees.

Section 114.2 of the California Mechanical Code is amended to read as follows:

“The fee for each permit shall be as set forth by fee resolution of the City Council.”

SECTION 5. Chapter 16.20 of the Indian Wells Municipal Code is amended and restated in its entirety to read as follows:

“Chapter 16.20

California Plumbing Code

Sections:

16.20.000 Adoption by reference.
16.20.010 Section 103.4 – Fees.

16.20.000 Adoption by reference.

A. The California Plumbing Code, 2013 Edition and Appendices, which incorporates and amends the Uniform Plumbing Code, 2012 Edition, published by the International Association of Plumbing and Mechanical Officials, including Chapter 1, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the plumbing code of the City.

B. At least one copy of said plumbing code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.

16.20.010 Section 103.4 – Fees.

Section 103.4 of the California Plumbing Code is amended to read as follows:

“The fee for each permit shall be as set forth by fee resolution of the City Council.”

SECTION 6. Chapter 16.24 of the Indian Wells Municipal Code is amended and restated in its entirety to read as follows:

“Chapter 16.24

California Electrical Code

Sections:

16.24.000 Adoption by reference.
16.24.010 Amendment to Article 310.106(B) – Conductors – Conductor Material.
16.24.020 Addition to Article 230.1 – Services – Scope.
16.24.030 Reserved.

16.24.000 Adoption by reference.

A. The California Electrical Code, 2013 Edition & Appendices, which incorporates and amends the National Electrical Code, 2011 Edition, published by the National Fire Protection Association,

including Article 89, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the electrical code of the City.

B. At least one copy of said electrical code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.

16.24.010 Amendment to Article 310.106(B) – Conductors – Conductor Material.

The following shall be added to Article 310-106(B) of the California Electrical Code:

Aluminum conductor limitations. No aluminum wiring shall be used. Exception: Aluminum wiring in sizes 1/0 and larger may be used for main feed to sub-panels only and shall be enclosed in a raceway.

16.24.020 Addition to Article 230.1—Services—Scope.

The following shall be added to Article 230.1 of the California Electric Code:

Utility lines, including but not limited to electric communications, street lighting and cable television, shall be placed underground on all new buildings. When additions, remodeling or repairs exceeds fifty percent (50%) of fair market value of existing buildings, all overhead service entrances shall be placed underground. In every case where electric meter service panel is changed or altered, service entrance wiring shall be placed underground. Utilities, for the purpose of this Section shall include appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes, meter cabinets and ducting.

16.24.030 Reserved.”

Section 7. Chapter 16.30 of the Indian Wells Municipal Code is hereby amended and restated in its entirety to read as follows:

“Chapter 16.30

Uniform Swimming Pool, Spa and Hot Tub Code

Sections:

16.30.000 Adoption by reference.

16.30.000 Adoption by reference.

A. The Uniform Swimming Pool, Spa and Hot Tub Code, 2012 Edition, published by the International Association of Plumbing and Mechanical Officials is adopted by reference by the City.

B. At least one copy of said code will be deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.”

SECTION 8. Chapter 16.32 of the Indian Wells Municipal Code is amended and restated in its entirety to read as follows:

"Chapter 16.32

California Fire Code

Sections:

16.32.000	Adoption by reference.
16.32.005	Express Findings.
16.32.010	General Authority and Responsibilities.
16.32.020	Definitions.
16.32.030	Amendments and Additions.
16.32.040	Nonconforming Storage Containers.
16.32.050	Appeals.
16.32.060	Outdoor Fire Prohibited.
16.32.070	Violations – Penalties.

16.32.000 Adoption by reference.

A. Except as provided in this chapter, the California Fire Code, Title 24, Part 9, 2013 Edition, (CFC), is adopted in its entirety including Chapter 1, Division II, Appendix Chapters B, C, E, F, G and H, and those Chapters amended by the Office of the State Fire Marshal, and noted below, based on the 2012 International Fire Code as published by the International Code Council (ICC), except as amended herein, shall become the "Fire Code" of the City of Indian Wells, establishing the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations within the City.

B. At least one copy of said fire code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.

16.32.005 Express Findings.

The Fire Department hereby finds that the proposed amendments to the Fire Code are reasonable and necessary because of local climactic, geologic and topographical conditions within the City of Indian Wells. This finding is supported and based upon the following express findings which address each of these conditions and present the local situation which make the proposed amendments necessary.

1. The climate weather patterns within the City of Indian Wells include frequent periods of drought and low humidity adding to the fire danger. Fire season can be year-round in this region.
2. During the summer months the dry winds and existing vegetation mix to create a hazardous fuel condition which has resulted in large loss in vegetation and structure fires. Summer temperatures exceeding one hundred twenty degrees (120°), and severe "Santa Ana" winds frequently occur and can move a fire quickly throughout areas of the

City. Multiple shifting wind patterns throughout the canyon areas add to the difficulty in suppressing fires.

3. Because of weather patterns, the City of Indian Wells has experienced a need for water conservation. Due to the storage capacities and consumption, and a limited amount of rainfall (drought conditions), future water allocation is not fully dependable. While sound management of the water resources is possible, demands and possible critical depletions on an already stressed water supply can most assuredly be predicted.
4. Features located throughout the City of Indian Wells are major roadways, highways, freeways and flood control channels which create barriers and slow response times. Other unique factors which create barriers and slow response times are the multiple canyons located within the large country clubs.
5. The City of Indian Wells has within its boundaries active seismic hazards. Seismic activity within the District occurs yearly and a fire potential exists with these active faults. Existing structures and planned new development are at serious risk from an earthquake. This risk includes fire, collapse and the disruption of water supply for firefighting purposes. Areas can also become isolated as a result of bridge, overpass and road damage and debris.
6. Structures in close proximity to each other pose an exposure problem which may cause a fire to spread from one structure to another as well as to the wildland area.
7. For practical and cost reasons, many new structures are built of wood construction. Many existing structures also have wood shake roofs. The potential for a conflagration exists due to the design and density of current structures.
8. Electrical supply and telephone communication failures occur due to high winds as well as other reasons. Water supply pumps and early notification cannot always be counted on.
9. Narrow and winding streets with little circulation and streets designed as storm drains impede emergency vehicle access and evacuation routes.

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 the 2013 California Fire Code sections that have been modified and the associated local climatic, geological and/or topographical conditions described above supporting the modification.

Code Section	Expressed Findings
103.4.2	Administrative
104.3.2	Administrative
104.12	Administrative
109.4	Administrative
202	Administrative
308.1.6.3	1,2,3,6,7
Code Section	Expressed Findings
404.2	Administrative

503.1.1	1-9
503.2.2	1-9
503.3	1-9
503.7	1-9
504.1	1-9
507.5.5	1-9
507.5.7	1-9
507.5.8	1-9
508.1	1-9
606.10.1.2	4,5,9
903.2	1-9
903.3.5.3	Administrative, 1-9
3204.2.1	Administrative, 1-9
4904.3	Administrative
5001.1	Administrative
5608.1	Administrative
B105.2	Administrative, 1-9
C102.1	Administrative, 1-9
App. Ch. D	Administrative
App. Ch. I	Administrative
App. Ch. J	Administrative
App. Ch. K	Administrative
16.32.030	Administrative
16.32.040	Administrative
16.32.050	Administrative
16.32.060	Administrative

16.32.010 General Authority and Responsibilities.

- A. Section 103.2 of the California Fire Code is not adopted.
- B. A new Section 104.3.2 is added to Section 104.3 of the California Fire Code to read as follows:

104.3.2. Authority of the Fire Chief and Fire Department.

- 1. The Fire Chief is authorized and directed to enforce all applicable State fire laws and provisions of this ordinance and to perform such duties as directed by the City Council.
- 2. The Fire Chief is authorized to administer, interpret and enforce this ordinance. Under the Fire Chief's direction, the Riverside County Fire Department is authorized to enforce ordinances of City of Indian Wells pertaining to the following:

- a. The prevention of fires.
 - b. The suppression or extinguishment of dangerous or hazardous fires.
 - c. The storage, use and handling of hazardous materials.
 - d. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.
 - e. The maintenance and regulation of fire escapes.
 - f. The maintenance of fire protection and the elimination of fire hazards on land, in buildings, structures and other property, including those under construction.
 - g. The maintenance of means of egress.
 - h. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.
3. The following persons are hereby authorized to interpret and enforce the provisions of this ordinance and to make arrests and issue citations as authorized by law:
- a. The Unit Chief, Peace Officers and Public Officers of the California Department of Forestry and Fire Protection.
 - b. The Fire Chief and Designee(s), Peace Officers and Public Officers of the Riverside County Fire Department.
 - c. The Police Chief and any Police Officer of any city served by the Riverside County Fire Department.
 - e. Officers of the California Highway Patrol.
 - f. Code Officers of the City of Indian Wells.
 - g. Peace Officers of the California Department of Parks and Recreation.
 - h. The law enforcement officer of the Federal Bureau of Land Management.
- C. A new Section 104.12 is added to Section 104 of the California Fire Code to read as follows:
- 104.12 Authority of the Fire Chief.** Except upon National Forest Land, the Fire Chief is authorized to determine and announce the closure of any hazardous fire area or portion thereof. Any closure by the Fire Chief for a period of more than fifteen (15) calendar days must be approved by the Board of Supervisors and/or City Council (as applicable) within fifteen (15) calendar days of the Fire Chief's original order of closure. Upon such closure, no person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas. During such closure, the Fire Chief shall erect and maintain at all entrances to the closed area sufficient signs giving notice of closure. This section shall not prohibit residents or owners of private property within any closed area; or their invitees, from going in or being upon their lands. This section shall not apply to any entry, in the course of duty, by a peace officer, duly authorized public officer or fire department personnel.
- D. Section 109.4 of the California Fire Code is not adopted.

16.32.020 Definitions.

A. Section 202 of the California Fire Code is amended to add the following definitions:

CALIFORNIA FIRE CODE. The 2013 Fire Code part of the California Building Standard Code, also known as California Code of Regulations, Title 24, Part 9.

CALIFORNIA RESIDENTIAL CODE. California Code of Regulations, Title 24, Part 2.5.

CORPORATION COUNSEL. Wherever the term "corporation counsel" is used in the California Fire Code, it means the attorney of the City.

FIRE PROTECTION ENGINEER. A professional engineer with the education and experience to understand the engineering problems related to safeguarding life and property from fire and fire-related hazards, to identify, evaluate, correct or prevent present or potential fire and fire related panic hazards in buildings, groups of buildings, or communities, and to recommend the arrangement and use of fire resistant building materials and fire detection and extinguishing systems, devices, and apparatus in order to protect life and property.

HAZARDOUS FIRE AREA. Private or public land not designated as state or local fire hazard severity zone (FHSZ) which is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief.

JURISDICTION. Whenever the word "jurisdiction" is used in the California Fire Code, it means the City.

SKY LANTERN. An airborne lantern typically made of paper, Mylar, or other lightweight material with a wood, plastic, or metal frame containing a candle, fuel cell, or other heat source that provides buoyancy.

B. Section 202 of the California Fire Code is amended to revise the following definitions:

FIRE CHIEF. The Fire Chief of Riverside County or the Fire Chief's designee.

16.32.030 Amendments and Additions.

A. A new Section 308.1.6.3 is added to Section 308.1.6 of the California Fire Code to read as follows:

308.1.6 OPEN FLAMES

Section 308.1.6.3 Sky Lanterns or similar devices. The ignition and/or launching of a Sky Lantern or similar device is prohibited.

Exception: Upon approval of the fire code official, sky lanterns may be used as necessary for religious or cultural ceremonies providing that adequate safeguards have been taken as approved by the fire code official. Sky Lanterns must be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

B. Section 404.2 of the California Fire Code is amended to add the following:

404.2 FIRE SAFETY AND EVACUATION PLANS.

16. Windowless buildings having an occupant load of fifty (50) or more.

C. Section 503 of the California Fire Code is adopted in its entirety with the following amendments:

503 FIRE APPARATUS ACCESS ROADS.

1. Section 503.1.1 of the California Fire Code is amended to add the following exception:

Exception: Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

2. Section 503.2.2 of the California Fire Code is amended to read as follows:

503.2.2 AUTHORITY. The fire code official shall be the only authority authorized to designate fire apparatus access roads, fire lanes and modify the minimum fire lane access widths for fire or rescue operations.

3. Section 503.3 of the California Fire Code is deleted in its entirety and replaced with the following:

503.3 MARKING. Fire apparatus access roads, where required, shall be identified by curbs painted red on both the top and face along the entire length of the fire apparatus access road. Where no curbs exists or a rolled curb is installed, a six (6) inch wide red strip shall be applied the full length of the fire apparatus access road or approved posted signs shall be installed in accordance with the Riverside County Fire Department Standards.

Exception: On school grounds this requirement shall be implemented as approved by the fire code official.

4. A new Section 503.7 is added to Section 503 of the California Fire Code to read as follows:

503.7 LOADING AREAS AND PASSENGER DROP-OFF AREAS. On private properties, where fire apparatus access roads are utilized for loading or unloading or utilized for passenger drop-off or pick-up, an additional eight (8) feet of width shall be added to the minimum required width for the fire apparatus access road.

D. Section 504.1 of the California Fire Code is amended to add the following language to the end of the first paragraph:

504.1 ACCESS TO BUILDING OPENINGS AND ROOFS

Where ground ladder access is the only means to reach the highest point on the building, the finished grade on all exterior sides of buildings shall be flat and free of any obstructions that would interfere with ground ladder placement. This distance from the building to finished grade shall be determined by the Fire Chief.

E. Section 507.5.5 of the California Fire Code is amended as follows:

507.5.5 CLEAR SPACE AROUND HYDRANTS. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, Fire Department connections, exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved.

F. New Sections 507.5.7 and 507.5.8 are added to Section 507 of the California Fire Code to read as follows:

507.5.7 FIRE HYDRANT SIZE AND OUTLETS. Fire hydrant size and outlets shall be required as determined by the fire code official.

1. Residential Standard—one (1) four (4) inch outlet, and one (1) two and one half (2 ½) inch outlet.
2. Super Hydrant Standard—one (1) four (4) inch outlet, and two (2) two and one half (2 ½) inch outlet.
3. Super Hydrant Enhanced—two (2) four (4) inch outlet, and one (1) two and one half (2 ½) inch outlet.

507.5.8 FIRE HYDRANT STREET MARKER. Fire hydrant locations shall be visually indicated in accordance with Riverside County Fire Department Std. 06-11. Any hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer, or person responsible for the removal or damage.

G. Section 508.1 of the California Fire Code is amended as follows:

508.1 FIRE COMMAND CENTER.

Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code, and buildings greater than 300,000 square feet in area, and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, a fire command center for fire department operations shall be provided and shall comply with Sections 508.1 through 508.1.5.

H. Section 508.1.3 of the California Fire Code is amended to add the following Exception as follows:

Exception: When solely required due to building area greater than 300,000 square feet, the fire command center shall be a minimum of 96 square feet (9 m²) with a minimum dimension of 8 feet (2438 mm)

I. Section 508.1.5 of the California Fire Code is amended to add the following Exception as follows:

Exception: When solely required due to building area greater than 300,000 square feet, the fire command center shall comply with NFPA 72 and contain features 5, 8, 10, 12, 13 & 14. All other features shall be provided only when the building contains the respective system/functionality.

J. Section 606.10.1.2 of the California Fire Code is amended to read as follows:

606.10.1.2 MECHANICAL REFRIGERATION.

When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room, in a secure metal box or equivalent and marked as Emergency Controls.

K. Section 903.2 of the California Fire Code is deleted in its entirety and replaced with the following:

903.2 AUTOMATIC SPRINKLER SYSTEMS.

An approved automatic fire automatic fire sprinkler system shall be installed in every building hereafter constructed for Group A, B, E, F, H, I, M, R, S and U (Fire Code definitions) occupancies where the gross floor area is 3,000 square feet or more, regardless of stories. Fire resistive walls shall not be considered for reducing the gross floor area of the building for the purpose of this Code section. The floor area shall be calculated by the building footprint, including all areas which are normally fire sprinklered per NFPA 13. The floor area of additional stories shall be added in for a cumulative total. All buildings over two (2) stories in height or exceeding thirty (30) feet in height shall install automatic fire sprinklers.

One- and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in mobile homes, manufactured homes and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.

L. A new Section 903.3.5.3 is added to Section 903.3.5 of the California Fire Code to read as follows:

903.3.5.3 HYDRAULICALLY CALCULATED SYSTEMS. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

M. A new Section 3204.2.1 is added to Section 3204.2 of the California Fire Code to read as follows:

3204.2.1 MINIMUM REQUIREMENTS FOR CLIENT LEASED OR OCCUPANT OWNED WAREHOUSES. Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible fire protection engineer shall perform a survey of the building to determine commodity classification, storage configuration, building height and other information related to the development of an appropriate sprinkler system design. The fire protection engineer shall also make reasonable efforts to meet with the building owner or operator to understand seasonal or customer related fluctuations to the stored commodities, storage height, and configuration. The sprinkler design shall be based on the most demanding requirements determined through the onsite survey and discussions with the building owner or operator. The technical report shall describe the basis for determining the commodity and sprinkler design selection, how the commodities will be isolated or separated, and include referenced design document(s), including NFPA 13 or the current applicable factory mutual data sheets. If a specific fire test is used as the basis of design, a copy of the fire test report shall be provided at the time of plan review.

N. A new Section 4904.3 is added to Section 4904 of the California Fire Code to read as follows:

4904.3 FIRE HAZARD SEVERITY ZONES.

In accordance with Government Code Sections 51175 through 51189, Very High Fire Hazard Severity Zones are designated as shown on a map titled Very High Fire Hazard Severity Zones, dated April 8, 2010 and retained on file at the office of the Fire Chief and supersedes other maps previously adopted by Riverside County designating high fire hazard areas.

O. The following shall be added to Section 5001.1 Scope of the California Fire Code:

5001.1 ABOVEGROUND STORAGE OF FLAMMABLE/COMBUSTIBLE LIQUIDS OR GASES.

No person shall install, keep, maintain, or fill any aboveground tank for the purpose of storing flammable/combustible liquids or gases, as regulated in Chapter 57 – Flammable and Combustible Liquids, Chapter 58 – Flammable Gases and Flammable Cryogenic Fluids, and Chapter 58 – Liquefied Petroleum Gases, nor shall the filling of the tank be permitted without approval by the Fire Marshal and obtaining a valid storage permit from the City. This Section does not apply to emergency back-up generators utilizing fuel tank systems of five hundred (500) gallons or less located within any Public Owned/Controlled Lands (PF & PP) or Resort Commercial (CR) land use zones. All flammable/combustible liquids or gases storage tanks shall be installed in locations approved by the Fire Code Official, the Director of Building and Safety, and the County Health Department. Flammable/combustible liquids or gases may be stored in aboveground tanks at governmental facilities, emergency power plants and any golf course maintenance area located within a Commercial Resort (CR), Public Owned/Controlled Lands (PF & PP), Public/Private Golf Course (PPGC), Country Club Open Space (COS), and Public Owned Open Space (POS) land use zone or any agricultural operations. All locations must be approved by the Fire Marshal and Director of Building and Safety, provided that said flammable/combustible liquids or gases are to be used only as motor fuel operations and only so long as said liquids/gases are stored in approved, above-ground tanks limited to two thousand (2,000) gallon liquid capacity, and there is no threat of fire which may endanger life, safety, or threaten nearby improvements. All storage tanks shall be screened so as to preclude viewing of same from adjacent residences, public rights-of-way and golf courses (public or private). At no time shall aboveground storage tanks be installed in Residential Very Low Density (RVLD), Residential Low Density (RLD), Residential Medium Density (RMD), Residential Medium High Density (RMHD), Office Professional (OP), Commercial General (CG), Watercourse (WC) and Natural Preserve (NPR) Zones. All aboveground tanks shall meet the requirements of the current adopted editions of the California Fire Code, and the California Building Standards Codes set forth in Health and Safety Code Section 17922, as revised by City Ordinance, the City Fire Marshal, and shall also meet or exceed the California State Fire Marshal's Office regulations as they pertain to such installation(s). An annual inspection/permit fee of one hundred dollars (\$100.00) shall be paid to maintain, fill, or operate tank systems.

P. Section 5608.1 of the California Fire Code is hereby deleted and replaced as follows:

5608.1 AMENDMENT TO SECTION 5608.1—FIREWORKS DISPLAY—GENERAL.

The sale, offering for sale, discharge, storage, use or handling within the City of Indian Wells fireworks of any kind, nature or description, including those classified and registered as "safe and sane" by the State Fireworks Law, and any other devices defined as fireworks in the Health and Safety Code of the State of California, Section 12500 et seq. or under 19 Cal. Code of Regs. § 979, et seq. is prohibited.

EXCEPTION: The use of fireworks for display is allowed as set forth in 19 Cal. Code of Regs. § 979, et seq.

In all other respects, the sale, offering for sale, discharge, storage, use or handling within the City of fireworks, including those classified and registered as "safe and sane" by the State Fireworks Law, is prohibited."

Q. The appendices to the California Fire Code are adopted in their entirety except as to the following:

APPENDICES TO CALIFORNIA FIRE CODE.

1. Appendix B.

Exception 1 of Section B105.2 is amended to read as follows:

Exception 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 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 prescribed duration as specified in Table B105.1.

2. Appendix C.

1. Section C102.1 Fire hydrant locations is amended to read as follows:

Fire hydrants shall be provided at *street intersections* and along required fire apparatus access roads and adjacent public streets.

3. Appendix D. Appendix D shall not be adopted.

4. Appendix I. Appendix I shall not be adopted

5. Appendix J. Appendix J shall not be adopted.

6. Appendix K. Appendix K shall not be adopted.

16.32.040 Nonconforming storage containers.

Should any aboveground storage system be in violation or non-compliance with this Chapter, a stop use order shall be given. The City may seek criminal or other enforcement penalties as permitted by law. Each day a system is in violation shall be deemed a separate offense. Storage systems taken out of service for less than one year shall be rendered safe by gas-freeing as approved by the Fire Code Official. Storage systems that are to be abandoned, by being taken out of service for more than a year, shall be rendered safe by gas-freeing and removed.

16.32.050 Appeals.

Whenever the Fire Code Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code adopted by Section 16.32.000 do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Code Official to the City Council within thirty (30) days from the date of the decision appealed.

16.32.060 Outdoor fires prohibited.

A. It is unlawful to burn any material, structure, matter, or thing in an outdoor fire or incinerator or by similar means unless within an approved and controlled area by the City Building and Safety Division, the Fire Code Official, and the Planning Division (for example, fire places, barbeques and fire pits). No other types of outdoor open fires are permitted unless approved as part of a project's Conditional Use Permit. Person violating this Section shall be subject to the penalties described in Section 16.32.060.

B. Any outdoor fire appliance is required to have a listing for product safety from a certified testing company, such as Underwriters Laboratories (UL) for the following, but not limited to, appliances: barbeque, fire place or fire pit. The applicant can submit a field test report as to the safety of the subject appliance to the City to prove the appliance meets safety rating qualifications.

16.32.070 Violations—Penalties.

Any person who violates any of the provisions of the code adopted by Section 16.32.000 or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed Statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, is severally for each and every such violation and noncompliance respectively guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such 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; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense."

Section 9. Chapter 16.33 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"Chapter 16.33

International Property Maintenance Code

Sections:

16.33.000 Adoption by reference.

16.33.000 Adoption by reference.

A. The International Property Maintenance Code, 2012 Edition, published by the International Code Council is adopted by reference by the City.

B. At least one copy of said code will be deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public."

SECTION 10. Chapter 16.34 of the Indian Wells Municipal Code is deleted in its entirety.

SECTION 11. Chapter 16.35 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"Chapter 16.35

California Green Building Standards Code

Sections:

16.35.000 Adoption by reference

16.35.000 Adoption by reference.

A. The California Green Building Standards Code, 2013 Edition & Appendices, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the green building standards code of the City.

B. At least one copy of said green building standards code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public."

SECTION 12. Chapter 16.38 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"Chapter 16.38

California Residential Code

Sections:

16.38.000 Adoption by reference

16.38.000 Adoption by reference.

A. The California Residential Code, 2013 Edition & Appendices, which incorporates and amends the International Residential Code and Appendices, 2012 Edition, published by the International Code Council, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the residential code of the City.

B. At least one copy of said residential code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public."

SECTION 13. Transmittal. The Building Official shall transmit a copy of this Ordinance to the California Building Standards Commission, pursuant to Health and Safety Code Section 17958.7.

SECTION 14. Recession. All former ordinances or parts conflicting or inconsistent with the provisions of this Ordinance or of the codes adopted by this Ordinance and any other ordinance in conflict herewith are hereby repealed.

SECTION 15. CEQA. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, since it adopts updated building and safety standards, which the City had

previously adopted in substantial form. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the County Clerk's Office within five (5) working days of the approval of this Ordinance.

SECTION 16. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 17. Certification/Summary. The Mayor shall sign this ordinance and the City Clerk shall certify to the passage and adoption of it. The City Clerk shall cause a summary of this Ordinance to be published as provided by California Government Code § 36933 (c)(1); a summary of this Ordinance shall be published in a newspaper of general circulation, printed, published, and circulated in the City of Indian Wells and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of the Ordinance, the City Clerk shall post in her office a full copy of this ordinance and cause a summary of this ordinance, together with the names of those voting for or against, to be published in the a newspaper of general circulation, printed, published; and circulated in the City of Indian Wells.

SECTION 18. Effective Date. This Ordinance shall take effect upon the later of thirty (30) days following its adoption by the City Council or January 1, 2014.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 5th day of December, 2013.



TED J. MERTENS
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE NO. 676

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2013-10, having been regularly introduced at the meeting of November 7, 2013, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on 5th day of December, 2013, and said Ordinance was passed and adopted by the following stated vote, to wit:

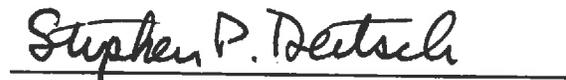
AYES: Hanson, Mertens, Mullany, Peabody, Roche
NOES: None

and was thereafter on said day signed by the Mayor of the City of Indian Wells

ATTEST:

APPROVED AS TO FORM:


WADE G. MCKINNEY
CITY MANAGER/CITY CLERK


STEPHEN P. DEITSCH
CITY ATTORNEY

I HEREBY CERTIFY this to be a
true copy of Ordinance No.
676

December 5, 2013 held/dated
 01/10/2014
Anna Grandys Date
Chief Deputy City Clerk

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Best of all, it's free!

to you too!

Date

Chief Deputy City Clerk
Ann Grady

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