

**BUILDING STANDARDS COMMISSION**

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



June 18, 2014

Joseph Chen  
Building and Safety Division  
City of Indio  
100 Civic Center Mall  
Indio, CA 92201

RE: Ordinance #1639

Dear Mr. Chen:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on June 16, 2014.

Our review finds the submittal to contain one ordinance 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 modification is accepted for filing and is 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,

  
Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



# CITY OF INDIO

100 CIVIC CENTER MALL • INDIO, CA 92201  
760.342.6500 • FAX 760.342.6556 • WWW.INDIO.ORG

California Building Standards Commission  
2525 Natomas Park Drive, STE 130  
Sacramento, CA 95833 - 2936

**Re: Technical amendment justifications to the 2013 California Building Code and  
2013 California Residential Code.**

Enclosed please find:

- City of Indio ordinance adopting the 2013 Building Standards Codes with amendments.
- Technical justifications to amendments.

Sincerely,

Joseph Chen  
Plans Examiner  
Building & Safety Division  
760) 391 4110

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ORDINANCE NO. 1639

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA ADOPTING BY REFERENCE THE 2013 EDITIONS OF THE CALIFORNIA ADMINISTRATIVE, HISTORICAL BUILDING, EXISTING BUILDING, ENERGY, MECHANICAL, PLUMBING, ELECTRICAL, RESIDENTIAL AND GREEN BUILDING STANDARDS CODES TOGETHER WITH CERTAIN APPENDICES AND AMENDMENTS THEREFORE, AND AMENDING CHAPTER 151 OF THE INDIO MUNICIPAL CODE

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

**Section 1.** Sections 151.001, 151.005, 151.006, 151.010, 151.011, 151.014, 151.015, 151.017, 151.020, 151.025, 151.030, 151.040, 151.041 and 151.050 of Chapter 151 (Buildings) of Title XV (Land Usage) of the Indio Municipal Code are hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of any said Chapter or codes occurring prior to the effective date of the ordinance adopting this provision.

**Section 2.** A new Section 151.001, 151.005, 151.006, 151.010, 151.011, 151.014, 151.015, 151.017, 151.020, 151.025, 151.030, 151.040, 151.041 and 151.050 are hereby added to Chapter 151 (Buildings) of Title XV (Land Usage) of the Indio Municipal Code to read as follows:

**"CHAPTER 151: BUILDINGS**

*General Provisions*

151.001 Appeals

*California Administrative Code*

151.005 Adoption of California Administrative Code  
151.006 Conflicting Provisions

*California Building Code*

151.010 Adoption of California Building Code  
151.011 Amendments and additions to Building Code

*California Historical Building Code*

151.014 Adoption of California Historical Building Code

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*California Existing Building Code*

151.015 Adoption of California Existing Building Code

*California Energy Code*

151.017 Adoption of California Energy Code

*California Mechanical Code*

151.020 Adoption of California Mechanical Code

*California Plumbing Code*

151.025 Adoption of California Plumbing Code

*California Electrical Code*

151.030 Adoption of California Electrical Code

*California Residential Code*

151.040 Adoption of California Residential Code

151.041 Amendments and additions to Residential Code

*California Green Building Standards Code*

151.050 Adoption

**GENERAL PROVISIONS**

**§ 151.001 APPEALS.**

Appeals under this chapter, including appeals as to any decision, order or determination of an official arising from or relating to the most recent version of the California Building Codes or any other Codes adopted by this chapter, may be appealed to the Indio Consolidated Appeals Board in the manner specified with respect to appeals under Chapter 95B of this code. One purpose of this appellate provision is to allow due process of law to persons affected by administrative orders related to the use, maintenance, or change of occupancy of buildings and structures, including but not limited to requirements governing alteration, additions, repair, demolition, moving, or vacation.

**CALIFORNIA ADMINISTRATIVE CODE**

**151.005 ADOPTION OF CALIFORNIA ADMINISTRATIVE CODE**

The 2013 California Administrative Code (CAC) as published by the International Code Council, is hereby adopted by reference and shall become the administrative code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or structures in the City. The 2013 California Administrative Code is on file for public examination in the office of the Building Official.

### **151.006 CONFLICTING PROVISIONS**

In the event of a conflict between any provisions contained in the Administrative Code and the administrative provisions of the Code of Indio, the more specific provision shall be given effect, unless another applicable provision is determined by the Building Official to more fully provide for the public health and safety and/or that it will more fully promote the intent of the Code of Indio.

### ***CALIFORNIA BUILDING CODE***

### **151.010 ADOPTION OF CALIFORNIA BUILDING CODE**

Except as provided in this chapter, the 2013 California Building Code (CBC), incorporating the 2012 International Building Code, as published by the International Code Council, and as amended herein, is hereby adopted by reference and shall become the building code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or structure in the City. The 2013 California Building Code is on file for public examination in the office of the Building Official

### **151.11 AMENDMENTS AND ADDITIONS TO BUILDING CODE**

**(A) Chapter 1, Section 101.2 Scope, is amended as follows:**

101.2. Delete the paragraph entitled "Exception" in its entirety

**(B) Chapter 1, Section 101.4.4, is amended to read as follows:**

**101.4.4 Property maintenance.** The provision of all of the adopted codes, laws and pertinent regulations shall apply to existing structures and premises.

**(C) Chapter 1, Section 105.2 is amended by deleting Items (2) and (4) in their entirety and amending Item (1) under the heading "Building" to read as follows:**

1. Non permanent, one story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet, may be excluded provided the proposed work meets City of Indio Zoning regulations.

**(D) Chapter 1 Section 105.5 is amended to read as follows:**

**105.5. Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time of the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. At the discretion of the Building Official work shall be considered abandoned whenever substantial progress has not been made within 180 days from the date of permit issuance or extension, if given. Every permit issued or extended as part of code enforcement actions shall become invalid if substantial progress has not been made within the time period determined by the Building Official.

**(E) Chapter 1, Section 107.3.1 is amended to read as follows:**

**107.3.1 Approval of construction documents.** When the Building Official issues a permit, the construction documents shall be approved in writing, or by stamp, as "Approved". One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant and shall be kept at the site of work, and shall be open to inspections by the Building Official or duly authorized representatives.

**(F) Chapter 1, Section 108.1 is amended to read as follows:**

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

**(G) Chapter 1 Section 109.4 and Section 109.5 are amended to read as follows:**

**109.4 Work commencing before permit issuance.** Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

**109.5 Related fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee set forth in Section 109.2. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

**(H) Chapter 16, Section 1613.6 is hereby added to read as follows:**

**1613.6 ASCE 7, Section 12.2.3.1, Exception 3. Modify ASCE 7 Section 12.2.3.1 Exception 3 to read as follows:**

3. Detached one and two family dwellings up to two stories in height of light frame construction.

**(I) Chapter 18, Section 1807.1.4 is amended to read as follows:**

**1807.1.4 Permanent wood foundation systems.** Permanent wood foundation systems shall be designed and installed in accordance with AF&PA PWF. Lumber and plywood shall be treated in accordance with AWPA U1 (Commodity Specification A, Use Category 4B and Section 5.2) and shall be identified in accordance with Section 2303.1.8.1. Permanent wood foundation systems shall not be used for structures assigned to Seismic Design Category D, E or F.

**(J) Chapter 18, Table 1809.7, Footnotes (c) and (g) are hereby deleted without replacement.**

**(K) Chapter 18, Section 1809.12 (Timber Footings) is amended to add at the end of that section the following sentence to read as follows:**

Timber footings shall not be used in structures assigned to Seismic Design Category D, E or F.

**(L) Chapter 18, Section 1810.3.2.4 (Timber) is amended to add at the end of that section the following sentence to read as follows:**

Timber deep foundation elements shall not be used in structures assigned to Seismic Design Category D, E or F.

## ***CALIFORNIA HISTORICAL BUILDING CODE***

### **151.014 ADOPTION OF CALIFORNIA HISTORICAL BUILDING CODE**

The 2013 California Historical Building Code (CHBC) as published by the International Code Council is hereby adopted by reference and shall become the historical building code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or structure in the City. The 2013 California Historical Building Code is on file for public examination in the office of the Building Official.

### ***CALIFORNIA EXISTING BUILDING CODE***

#### **151.015 ADOPTION OF CALIFORNIA EXISTING BUILDING CODE**

The 2013 California Existing Building Code (CEBC), incorporating the 2012 International Existing Building Code, as published by the International Code Council is hereby adopted by reference and shall become the existing building code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or structure in the City. The 2013 California Existing Building Code is on file for public examination in the office of the Building Official.

### ***CALIFORNIA ENERGY CODE***

#### **151.017 ADOPTION OF CALIFORNIA ENERGY CODE**

The 2013 California Energy Code (CEC), as published by the International Code Council, is hereby adopted by reference and shall become the energy code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or structure in the City. The 2013 California Energy Code is on file for public examination in the office of the Building Official.

### ***CALIFORNIA MECHANICAL CODE***

#### **151.020 ADOPTION OF CALIFORNIA MECHANICAL CODE**

The 2013 California Mechanical Code (CMC), incorporating the 2012 Uniform International Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference and shall become the mechanical code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or structure in the City. The 2013 California Mechanical Code is on file for public examination in the office of the Building Official.

## ***CALIFORNIA PLUMBING CODE***

### **151.025 ADOPTION OF CALIFORNIA PLUMBING CODE**

The 2013 California Plumbing Code (CPC), incorporating the 2012 International Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials is hereby adopted by reference and shall become the plumbing code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or structure in the City. The 2013 California Plumbing Code is on file for public examination in the office of the Building Official.

## ***CALIFORNIA ELECTRICAL CODE***

### **151.030 ADOPTION OF CALIFORNIA ELECTRICAL CODE**

The 2013 California Electrical Code (CEC), incorporating the 2011 National Electrical Code including all Appendix Chapters published by the National Fire Protection Association, as modified by the State of California, is hereby adopted by reference and shall become the electrical code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or structure in the City. The 2013 California Building Codes is on file for public examination in the office of the Building Official.

## ***CALIFORNIA RESIDENTIAL CODE***

### **151.040 ADOPTION OF CALIFORNIA RESIDENTIAL CODE**

Except as provided in this chapter, the 2013 California Residential Code (CRC), incorporating the 2012 International Residential Code, as published by the International Code Council, and as amended herein, is hereby adopted by reference shall become the residential building code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or structure in the City. The 2013 California Residential Code is on file for public examination in the office of the Building Official.

## **151.041 AMENDMENTS AND ADDITIONS TO RESIDENTIAL CODE**

**(A) Chapter 3, Section R301.1.3.2 (Woodframe structures greater than two stories) is amended to add at the end of that section the following language to read as follows:**

The building official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of wood framed construction more than one story in height or with a basement located in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub> or E.

**(B) Chapter 4, Section R401.1 is amended to read as follows:**

**R401.1. Application.** The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding as established by Table R301.2(1) shall meet the provisions of Section R322. Wood foundations shall be designed and installed in accordance with AF&PA PWF.

**Exception:** The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:

1. In buildings that have no more than two floors and a roof.
2. When interior basement and foundation walls are constructed at intervals not exceeding 50 feet (15240 mm).

Wood foundations in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub> shall not be permitted.

**(C) Chapter 4, Section R404.2 is amended to read as follows:**

**R404.2 Wood foundation walls.** Wood foundation walls shall be constructed in accordance with the provisions of Section R404.2.1 through R404.2.6 and with the details shown in Figures R403.1 (2) and R403.2(3). Wood foundation walls shall not be used for structures located in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub>.

**(D) Chapter 6, Table R602.3(1) shall have the following language added to the table to read as follows:**

Staples shall not be used as wood structural panel fasteners in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub>.

**(E) Chapter 6, Table R602.3(2) shall have the following language added to the table to read as follows:**

Staples shall not be used as wood structural panel fasteners in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub>.

**(F) Chapter 8, Section R803.2.4 is added to read as follows:**

**Openings in horizontal diaphragms.** Openings in horizontal diaphragms shall conform with Section R503.2.

### ***CALIFORNIA GREEN BUILDING STANDARDS CODE***

#### **151.50 ADOPTION**

Except as provided in this chapter, those certain building codes known and designated as the 2013 California Green Building standards Code (CGBC), is hereby adopted by reference and shall become the green building standards code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or structure in the City. The 2013 California Green Building Standards Code is on file for public examination in the office of the Building Official.

Section 3. Section 151.999 of Chapter 151 (Buildings) of Title XV (Land Usage) is hereby amended to read as follows:

#### **151.999 PENALTY**

(A) Any person, firm or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter or any of the code adopted herein by reference or who 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, with the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and any and all such person, firm or corporation shall be required to correct or remedy the violations or defects within a reasonable time. Any such person, firm or corporation shall be guilty of a separate offense for each and every day during which any violation is committed, continued or permitted. In addition, any violation of any of the codes adopted herein is a nuisance that may be abated as such pursuant to the provisions of this Municipal Code.

(B) The application of the penalty set out in division (A) above shall not be held to prevent the enforced removal of the prohibited condition.

**Section 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 5.** The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted in the manner prescribed by law.

**PASSED, APPROVED AND ADOPTED** this 6th day of November, 2013, by the following vote:

**AYES:** Miller, Torres, Ramos Watson, Wilson, Holmes

**NOES:** None



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**ELAINE HOLMES, MAYOR**

**ATTEST:**



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**CYNTHIA HERNANDEZ, CMC**  
**CITY CLERK**

**\*\*\*\* TECHNICAL JUSTIFICATIONS \*\*\*\***

**151.010 ADOPTION OF CALIFORNIA BUILDING CODE**

Except as provided in this chapter, the 2013 California Building Code (CBC), incorporating the 2012 International Building Code, as published by the International Code Council, and as amended herein, is hereby adopted by reference and shall become the building code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or structure in the City. The 2013 California Building Code is on file for public examination in the office of the Building Official

**151.11 AMENDMENTS AND ADDITIONS TO BUILDING CODE**

**(H) Chapter 16, Section 1613.6 is hereby added to read as follows:**

**1613.6 ASCE 7, Section 12.2.3.1, Exception 3. Modify ASCE 7 Section 12.2.3.1 Exception 3 to read as follows:**

3. Detached one and two family dwellings up to two stories in height of light frame construction.

**Rationale:**

*Observed damages to one and two family dwellings of light frame construction after the Northridge Earthquake may have been partially attributed to vertical irregularities common to this type of occupancy and construction. In an effort to improve quality of construction and incorporate lessons learned from studies after the Northridge Earthquake, the proposed modification to ASCE 7-05 Section 12.2.3.1b by limiting the number of stories and height of the structure to two stories will significantly minimize the impact of vertical irregularities and concentration of inelastic behavior from mixed structural systems. This proposed amendment is a continuation of an amendment adopted during previous code adoption cycles.*

**Findings:**

**Local Geological Conditions** – *The greater Coachella Valley region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent Brawley earthquake in 2012. These are the same fault systems that produced the Northridge earthquake in 1994 where devastated the*

*surrounding area. The proposed modification to limit mixed structural system to two stories is intended to improve quality of construction by reducing potential damages that may result from vertical irregularities of the structural system in buildings subject to high seismic load and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code.*

**(I) Chapter 18, Section 1807.1.4 is amended to read as follows:**

**1807.1.4 Permanent wood foundation systems.** Permanent wood foundation systems shall be designed and installed in accordance with AF&PA PWF. Lumber and plywood shall be treated in accordance with AWPA U1 (Commodity Specification A, Use Category 4B and Section 5.2) and shall be identified in accordance with Section 2303.1.8.1. Permanent wood foundation systems shall not be used for structures assigned to Seismic Design Category D, E or F.

**Rationale:**

*No substantiating data has been provided to show that wood foundation is effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effect of constant moisture in the soil and wood-destroying organisms. Wood foundation systems, when they are not properly treated and protected against deterioration, have performed very poorly and have led to slope failures. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic event and wet applications. The proposed amendment takes the precautionary steps to reduce or eliminate potential problems that may result in using wood foundation systems that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycles.*

**Findings:**

**Local Climatic and Geological Conditions** – *The greater Coachella Valley region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent Brawley Earthquake in 2012. These are the same fault systems that produced the Northridge Earthquake in 1994 where devastated the surrounding area. In addition, the region is within a*

*climate system capable of producing major winds, fire and rain related disasters, including but not limited to those caused by the Banning Pass. This region is susceptible to more active termite and wood attacking insects and microorganisms. The proposed modification to prohibit the use of wood foundation systems as well as limit prescriptive design provisions in an effort to mitigate potential problems or deficiencies due to the proliferation of wood-destroying organisms and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code.*

(J) Chapter 18, Table 1809.7, Footnotes (c) and (g) are hereby deleted without replacement.

**Rationale:**

*No substantiating data has been provided to show that under-reinforced footings are effective in resisting seismic loads and may potentially lead to a higher risk of failure. Therefore, this proposed amendment requires minimum reinforcement in continuous footings to address the problem of poor performance of plain or under-reinforced footings during a seismic event. With the higher seismic demand placed on buildings and structures in this region, precautionary steps are proposed to reduce or eliminate potential problems that may result by following prescriptive design provisions for footing that does not take into the consideration the surrounding environment. It was important that the benefit and expertise of a registered design professional be obtained to properly analyze the structure and take these issues into consideration. This amendment reflects the recommendations by the Structural Engineers Association of Southern California. This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycles.*

**Findings:**

**Local Geological Conditions** – *The greater Coachella Valley region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent Brawley earthquake in 2012. These are the same fault*

*systems that produced the Northridge earthquake in 1994 where devastated the surrounding area. The proposed modification to limit the use of the prescriptive design provisions and under-reinforced or plain concrete is to ensure that the proper analysis of the structure takes into account the surrounding condition and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code.*

**(K) Chapter 18, Section 1809.12 (Timber Footings) is amended to add at the end of that section the following sentence to read as follows:**

Timber footings shall not be used in structures assigned to Seismic Design Category D, E or F.

**Rationale:**

*No substantiating data has been provided to show that wood foundation is effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effect of constant moisture in the soil and wood-destroying organisms. Wood foundation systems, when they are not properly treated and protected against deterioration, have performed very poorly and have led to slope failures. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic event and wet applications. The proposed amendment takes the precautionary steps to reduce or eliminate potential problems that may result in using wood foundation systems that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycles.*

**Findings:**

**Local Climatic and Geological Conditions** – *The greater Coachella Valley region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent Brawley earthquake in 2012. These are the same fault systems that produced the Northridge earthquake in 1994 where devastated the surrounding area. In addition, the region is within a climate system capable of producing major winds, fire and rain related disasters,*

*including but not limited to those caused by the Banning Pass. This region is susceptible to more active termite and wood attacking insects and microorganisms. The proposed modification to prohibit the use of wood foundation systems as well as limit prescriptive design provisions in an effort to mitigate potential problems or deficiencies due to the proliferation of wood-destroying organisms and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code.*

**(L) Chapter 18, Section 1810.3.2.4 (Timber) is amended to add at the end of that section the following sentence to read as follows:**

Timber deep foundation elements shall not be used in structures assigned to Seismic Design Category D, E or F.

**Rationale:**

*No substantiating data has been provided to show that wood foundation is effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effect of constant moisture in the soil and wood-destroying organisms. Wood foundation systems, when they are not properly treated and protected against deterioration, have performed very poorly and have led to slope failures. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic event and wet applications. The proposed amendment takes the precautionary steps to reduce or eliminate potential problems that may result in using wood foundation systems that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycles.*

**Findings:**

**Local Climatic and Geological Conditions** – *The greater Coachella Valley region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent Brawley earthquake in 2012. These are the same fault systems that produced the Northridge earthquake in 1994 where devastated the surrounding area. In addition, the region is within a climate system capable of producing major winds, fire and rain related disasters, including but not limited to those caused by the Banning Pass. This region is susceptible to more active termite and wood attacking insects and microorganisms.*

*The proposed modification to prohibit the use of wood foundation systems as well as limit prescriptive design provisions in an effort to mitigate potential problems or deficiencies due to the proliferation of wood-destroying organisms and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code.*

## **CALIFORNIA RESIDENTIAL CODE**

### **151.040 ADOPTION OF CALIFORNIA RESIDENTIAL CODE**

Except as provided in this chapter, the 2013 California Residential Code (CRC), incorporating the 2012 International Residential Code, as published by the International Code Council, and as amended herein, is hereby adopted by reference shall become the residential building code of the City of Indio for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy equipment use, height, area and maintenance of all buildings and/or examination in the office of the Building Official.

### **151.041 AMENDMENTS AND ADDITIONS TO RESIDENTIAL CODE**

**(A) Chapter 3, Section R301.1.3.2 (Woodframe structures greater than two stories) is amended to add at the end of that section the following language to read as follows:**

The building official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of wood framed construction more than one story in height or with a basement located in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub> or E.

#### **Rationale:**

*After the 1994 Northridge Earthquake, the Wood Frame Construction Joint Task Force recommended that the quality of wood frame construction need to be greatly improved. Once such recommendation identified by the Task Force is to improve the quality and organization of structural plans prepared by the engineer or architect so that plan examiners, building inspectors, contractors and special inspectors may logically follow and construct the presentation of the seismic force-resisting systems in the construction documents. For buildings or structures*

*located in Seismic Design Category D0, D1, D2 or E that are subject to a greater level of seismic forces, the requirement to have a California licensed architect or engineer prepare the construction documents is intended to minimize or reduce structural deficiencies that may cause excessive damage or injuries in wood frame buildings. Structural deficiencies such as plan and vertical irregularities, improper shear transfer of the seismic force-resisting system, missed details or connections important to the structural system, and the improper application of the prescriptive requirements of the California Residential Code can be readily addressed by a registered design professional.*

**Findings:**

***Local Geological Conditions*** – *The greater Coachella Valley region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent Brawley earthquake in 2012. These are the same fault systems that produced the Northridge earthquake in 1994 where devastated the surrounding area. The proposed modification to require construction documents for wood frame construction greater than one story in height or with a basement to be approved and stamped by a California licensed architect or engineer is intended to assure that both the structural design and prescriptive requirement of the code are properly utilized and presented and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code.*

**(B) Chapter 4, Section R401.1 is amended to read as follows:**

R401.1. Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding as established by Table R301.2(1) shall meet the provisions of Section R322. Wood foundations shall be designed and installed in accordance with AF&PA PWF.

Exception: The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:

1. in buildings that have no more than two floors and a roof.
2. When interior basement and foundation walls are constructed at intervals not exceeding 50 feet (15240 mm).

Wood foundations in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub> shall not be permitted.

**Rationale:**

*No substantiating data has been provided to show that wood foundation is effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effect of constant moisture in the soil and wood-destroying organisms. Wood foundation systems, when they are not properly treated and protected against deterioration, have performed very poorly and have led to slope failures. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic event and wet applications. The proposed amendment takes the precautionary steps to reduce or eliminate potential problems that may result in using wood foundation systems that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycles.*

**Findings:**

**Local Climatic and Geological Conditions** – *The greater Coachella Valley region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent Brawley earthquake in 2012. These are the same fault systems that produced the Northridge earthquake in 1994 where devastated the surrounding area. In addition, the region is within a climate system capable of producing major winds, fire and rain related disasters, including but not limited to those caused by the Banning Pass. This region is susceptible to more active termite and wood attacking insects and microorganisms. The proposed modification to prohibit the use of wood foundation systems as well as limit prescriptive design provisions in an effort to mitigate potential problems or deficiencies due to the proliferation of wood-destroying organisms and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code.*

(C) Chapter 4, Section R404.2 is amended to read as follows:

R404.2 Wood foundation walls. Wood foundation walls shall be constructed in accordance with the provisions of Section R404.2.1 through R404.2.6 and with the details shown in Figures R403.1 (2) and R403.2(3). Wood foundation walls shall not be used for structures located in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub>.

**Rationale:**

*No substantiating data has been provided to show that wood foundation is effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effect of constant moisture in the soil and wood-destroying organisms. Wood foundation systems, when they are not properly treated and protected against deterioration, have performed very poorly and have led to slope failures. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic event and wet applications. The proposed amendment takes the precautionary steps to reduce or eliminate potential problems that may result in using wood foundation systems that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycles.*

**Findings:**

***Local Climatic and Geological Conditions*** – *The greater Coachella Valley region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent Brawley earthquake in 2012. These are the same fault systems that produced the Northridge earthquake in 1994 where devastated the surrounding area. In addition, the region is within a climate system capable of producing major winds, fire and rain related disasters, including but not limited to those caused by the Banning Pass. This region is susceptible to more active termite and wood attacking insects and microorganisms. The proposed modification to prohibit the use of wood foundation systems as well as limit prescriptive design provisions in an effort to mitigate potential problems or deficiencies due to the proliferation of wood-destroying organisms and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code.*

(D) Chapter 6, Table R602.3(1) shall have the following language added to the table to read as follows:

Staples shall not be used as wood structural panel fasteners in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub>.

**Rationale:**

*The Structural Engineers Association of Southern California investigated the damages to buildings and structures during the 1994 Northridge Earthquake recommended reducing allowable shear values in wood structural panel shear walls or diaphragms that were not substantiated by cyclic testing. That recommendation was consistent with a report to the Governor from the Seismic Safety Commission of the State of California recommending that code requirements be “more thoroughly substantiated with testing.” The allowable shear values for wood structural panel shear walls or diaphragms fastened with staples are based on monotonic testing and does not take into consideration that earthquake forces load shear wall or diaphragm in a repeating and fully reversible manner.*

**Findings:**

**Local Geological Conditions** – *The greater Coachella Valley region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent Brawley earthquake in 2012. These are the same fault systems that produced the Northridge earthquake in 1994 where devastated the surrounding area. The proposed modification to place design and construction limits on staples as fasteners used in wood structural panel or diaphragms not substantiated with cyclic testing will help to maintain minimum quality of construction and performance standards of structures and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code.*

(E) Chapter 6, Table R602.3(2) shall have the following language added to the table to read as follows:

Staples shall not be used as wood structural panel fasteners in Seismic Design Category D<sub>0</sub>, D<sub>1</sub>, D<sub>2</sub>.

**Rationale:**

*The Structural Engineers Association of Southern California investigated the damages to buildings and structures during the 1994 Northridge Earthquake recommended reducing allowable shear values in wood structural panel shear*

walls or diaphragms that were not substantiated by cyclic testing. That recommendation was consistent with a report to the Governor from the Seismic Safety Commission of the State of California recommending that code requirements be “more thoroughly substantiated with testing.” The allowable shear values for wood structural panel shear walls or diaphragms fastened with staples are based on monotonic testing and does not take into consideration that earthquake forces load shear wall or diaphragm in a repeating and fully reversible manner.

**Findings:**

**Local Geological Conditions** – The greater Coachella Valley region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent Brawley earthquake in 2012. These are the same fault systems that produced the Northridge earthquake in 1994 where devastated the surrounding area. The proposed modification to place design and construction limits on staples as fasteners used in wood structural panel or diaphragms not substantiated with cyclic testing will help to maintain minimum quality of construction and performance standards of structures and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code.

(F) Chapter 8, Section R803.2.4 is added to read as follows:

Openings in horizontal diaphragms. Openings in horizontal diaphragms shall conform with Section R503.2.

**Rationale:**

Section R802 of the Code does not provide any prescriptive criteria to limit the maximum roof opening size nor does Section R803 provide any details to address the issue of shear transfer near larger roof openings. With the higher seismic demand placed on buildings and structures in this region, it is important to ensure that a complete load path is provided to reduce or eliminate potential damages caused by aseismic forces. Requiring blocking with metal ties around larger roof openings and limiting opening size is consistent with the requirements of Sections R301.2.2.2.5.

**Findings:**

***Local Geological Conditions*** – *The greater Coachella Valley region is a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, including but not limited to the recent Brawley earthquake in 2012. These are the same fault systems that produced the Northridge earthquake in 1994 where devastated the surrounding area. The proposed modification to place design and construction limits on staples as fasteners used in wood structural panel or diaphragms not substantiated with cyclic testing will help to maintain minimum quality of construction and performance standards of structures and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code.*

**BUILDING STANDARDS COMMISSION**

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



February 21, 2014

Dale Frailey  
Fire Marshal  
City of Indio Fire Services  
46-990 Jackson Street  
Indio, CA 92201

RE: Ordinance #1640

Dear Mr. Frailey:

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 one ordinance 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 modification is accepted for filing and is 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



Dale Frailey  
Fire Marshal

## CITY OF INDIO FIRE SERVICES Fire Prevention Office

46-990 Jackson Street • Indio, California 92201 • (760) 347-0756 • Fax (760) 775-3710

December 2, 2013

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936

RE: City of Indio Fire Code Ordinance

The City of Indio has adopted the 2013 Edition of the California Fire Code.

The City of Indio has made changes and modifications to the 2013 Edition of the California Fire Code that are reasonably necessary due to local conditions in the City and further advise 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 Indio.

The enclosed City Ordinance and Resolution, containing our findings of fact, is for your files.

If additional information is desired, please telephone this office at (760) 347-0756.

Sincerely,

  
Captain Dale Frailey  
Fire Marshal

**ORDINANCE NO. 1640**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, ADOPTING BY REFERENCE THE 2013 CALIFORNIA FIRE CODE TOGETHER WITH CERTAIN APPENDICES AND AMENDMENTS THERETO AND AMENDING CHAPTER 93 OF THE INDIO MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF INDIO CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 93 (Fire Code) of Title IX (General Regulations) of the Indio Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of any said Chapter or codes occurring prior to the effective date of the ordinance adopting this provision.

**Section 2.** A new Chapter 93 (Fire Code) is hereby added to Title IX (General Regulations) of the Indio Municipal Code to read as follows:

**CHAPTER 93: FIRE CODE**

Section

93.01	Adoption
93.02	Enforcement
93.03	Definitions
93.04	Establishment of geographic limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings are prohibited
93.05	Establishment of geographic limits in which the storage of liquefied petroleum gas is prohibited
93.06	Establishment of geographic limits in which the storage of explosives and blasting agents are prohibited
93.07	Amendments and Additions to the Fire Code
93.08	Fire Apparatus
93.99	Penalty

**§ 93.01 ADOPTION.**

Except as hereinafter provided, the 2013 California Fire Code, based on the 2012 International Fire Code, published by the International Code Council, including Appendix B, BS, C, CC, E, F, G, and I and as amended herein, is hereby adopted by reference. In addition, the Fire Chief has promulgated Fire Department Standards and Guidelines, which is incorporated herein, and together with the 2013 California Fire Code are collectively declared as the Fire Code for the City of Indio ("Fire Code"). Said Fire Code is for the purpose of prescribing regulations governing the safeguarding of life and property from fire and explosion, hazards arising from the storage, handling and use of hazardous substances, materials, devices, and from conditions hazardous to life

and property in the occupancy of buildings and premises as herein provided and for providing for the issuance of permits. A copy of the Fire Code shall be maintained in the office of the City Clerk and shall be made available for public inspection.

#### **§ 93.02 ENFORCEMENT.**

The Fire Code shall be enforced by the Fire Chief.

#### **§ 93.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**JURISDICTION.** The City of Indio.

**CORPORATE COUNSEL.** The City Attorney for the City of Indio.

#### **§ 93.04 ESTABLISHMENT OF GEOGRAPHIC LIMITS IN WHICH THE STORAGE OF CLASS I AND CLASS II LIQUIDS IN ABOVE-GROUND TANKS OUTSIDE OF BUILDINGS ARE PROHIBITED:**

The location referred to in Chapter 57 of the California Fire Code in which storage of Class I and Class II liquids in above-ground tanks outside of buildings are prohibited are hereby as follows: RL, RM, RH, NC, CC, RM-MH

#### **§ 93.05 ESTABLISHMENT OF GEOGRAPHIC LIMITS IN WHICH THE STORAGE OF LIQUEFIED PETROLEUM GAS IS PROHIBITED:**

The location referred to in Chapter 61 of the California Fire Code in which the storage of liquefied petroleum gas is prohibited are hereby as follows: RL, RM, RH, NC, CC, P, CO, RM-MH, EE

#### **§ 93.06 ESTABLISHMENT OF GEOGRAPHIC LIMITS IN WHICH THE STORAGE OF EXPLOSIVES AND BLASTING AGENTS ARE PROHIBITED:**

The location referred to in Chapter 58 of the California Fire Code in which the storage of explosives and blasting agents are prohibited are hereby as follows: RL, RM, RH, NC, CC, P, CO, RM-MH, EE, RC

#### **§ 93.07 AMENDMENTS AND ADDITIONS TO THE FIRE CODE**

##### **A. Chapter 1 SCOPE AND ADMINISTRATION.**

(1) Section 101.4 of the Fire Code is hereby amended to read as follows:

Section 101.4 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance/code is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance/code.

(2) Section 103.4 of the Fire Code is hereby amended to read as follows:

Section 103.4 Liability.

Any liability against the City of Indio or Riverside County or State of California or any officer or employee shall be as provided for in the California Government Code and applicable case law.

Fire Suppression, investigation and rescue or emergency medical costs which are recoverable shall be in accordance with California Health and Safety Code Sections 13009 and 13009.1

Any person who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to, a traffic accident or spill of toxic or flammable fluids or chemicals, is liable for the costs of securing such emergency, including those costs set out in Government Code Section 53150, et seq. Any expense incurred by the fire department for securing such an emergency situation shall constitute a debt of such person and shall be collectable by the City of Indio, or political subdivision thereof if incorporated, in the same manner as in the case of an obligation under contract, expressed or implied.

(3) Section 104.1 of the Fire Code is hereby amended to read as follows:

Section 104.1 Authority of the Fire Chief and the Fire Department

The Fire Chief is authorized to administer, interpret, and enforce the Indio Fire Code. Under the Fire Chief's direction, the Riverside County Fire Department is authorized to enforce all ordinances of the City of Indio pertaining to:

- (1) The prevention of fires.
- (2) The suppression or extinguishment of dangerous or hazardous fires.

- (3) The storage, use, and handling of hazardous materials.
- (4) The installation and maintenance of automatic, manual, and other private fire alarm systems and fire extinguishing equipment.
- (5) The maintenance and regulation of fire escapes.
- (6) The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property, including those under construction.
- (7) The maintenance of means of egress.
- (8) The investigation of the cause, origin, and circumstance of fire and unauthorized releases of hazardous materials.

(4) Section 104.2.1 is hereby added to Fire Code to read as follows:

Section 104.2.1 Permit Fee

A fee shall be charged for each permit issued. The fee schedule shall be established by the City Council of the City of Indio.

(5) Section 104.3.2 is hereby added to Fire Code to read as follows:

Section 104.3.2 Fire Department Personnel and Peace Officers.

- 1) The Fire Chief and his or her designees are authorized and directed to enforce all applicable State fire laws and the provisions of this code and shall perform such related duties as may be fixed by the City Council, and for such purposes, he or she shall have the power of a peace officer.
- 2) The following persons are hereby authorized to interpret and enforce the provisions of the Indio Fire Code and to make arrests and issue citations as authorized by law.
  1. The Unit Chief and Peace Officers and public officers of the California Department of Forestry and Fire Protection (CALFIRE).
  2. The Fire Chief, Peace Officers, and Public Officers of the Riverside County Fire Department.
  3. The Police Chief and any Police Officer of any city served by Riverside County Fire Department.
  4. The Fire Code Official and members of the Fire Prevention Bureau that serves the City of Indio.
  5. Officers of the California Highway Patrol.

6. The law enforcement officers of the Federal Bureau of Land Management.

(6) Section 104.6.5 is hereby added to the Fire Code to read as follows:

Section 104.6.5 Records and Reports

Requests for copies of public and legal documents, photographs, etc., relating to department activities are available as authorized by law through the Fire Department's Custodian of Records. All document requests shall be in writing.

(7) Section 105.4.7 is hereby added to the Fire Code to read as follows:

Section 105.4.7 Commencement of Work

The construction or installation of any fire protection system shall not be permitted without approved plans. Beginning work prior to approval of plans will result in a triple (300%) permit fee and/or inspection being charged, unless prior approval has been granted by the fire code official.

**B. Chapter 2 DEFINITIONS**

(1) Section 202 of the Fire Code is hereby amended to include the following to the list of definitions:

Section 202 General Definitions

**FIRE CHIEF OR CHIEF.** Shall mean the Fire Chief of the County of Riverside or his/her authorized representative.

**FIRE MARSHAL.** The Supervisor of the Bureau of Fire Prevention. Shall serve as the Fire Code Official under the direction of the Fire Chief or his/her authorized representative.

**HAZARDOUS FIRE AREA.** Land other than state designated fire hazard severity zone and/or local designated FHSZ which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated on the maps entitled

"Hazardous Fire Areas of Riverside County" on file in the office of the Fire Chief.

**ALTERATION OR ALTERED.** Any change, addition, or modification in construction or occupancy or structural repair or change in primary function to an existing structure made by, on behalf of, or for the use of a public accommodation, or commercial facility or part thereof. Alterations include, but are not limited to; remodeling, renovation, rehabilitation, reconstruction, historic restoration, fire damage restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full height partitions.

**SKY LANTERNS.** An unmanned device with a combustible fuel source that incorporates an open flame in order to make the device airborne.

**C. Chapter 3 GENERAL REQUIREMENTS**

(1) Section 308.1.6.3 is hereby added to the Fire Code to read as follows:

**Section 308.1.6.3 Sky Lanterns**

No person shall release or cause to be released an untethered sky lantern.

**D. Chapter 4 EMERGENCY PLANNING AND PREPAREDNESS**

(1) A new paragraph (16) is hereby added to Section 404.2 of the Fire Code to read as follows:

**Section 404.2 Where Required**

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

**E. Chapter 5 FIRE SERVICE FEATURES**

(1) Section 503.1 of the Fire Code is hereby amended to read as follows:

**Section 503.1 Where Required**

Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Section 503.1.1 through 503.1.3. The

Fire Department shall be the only authority authorized to designate fire lanes.

- (2) Section 503.2.2 of the Fire Code is hereby amended to read as follows:

Section 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 widths where they are inadequate for fire or rescue operations.

- (3) Section 503.3 of the Fire Code is hereby amended to add as follows:

Section 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 curb exists or a rolled curb is installed, a 6 inch wide red strip or approved posted signs applied to the full length of the fire apparatus access road shall be installed. Markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary.

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

- (4) Section 504.1 of the Fire Code is hereby amended to read as follows:

Section 504.1 Required Access

Exterior doors and openings required by this code or the California Building Code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from the fire apparatus access roads to exterior openings shall be provided when required by the fire code official. Finished grade is to be flat and accessible on all sides of the building where ground ladder access is the only means to reach the highest point on the building from the exterior. Distance from the building shall be flat and shall be determined by the fire code official. Obstructions will not be placed as to interfere with ground ladder placement.

(5) Section 505.1 of the California Fire Code is hereby amended to read as follows:

Section 505.1 Address Identification

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, as approved by the fire code official. These numbers shall contrast with their background. Where required by the fire code official, address numbers, shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means as approved by the fire code official shall be used to identify the structure.

(6) Section 507.1 of the California Fire Code is hereby amended to read as follows:

Section 507.1 Required Water Supply

An approved permanent water supply capable of supplying the required fire flow for fire protection shall be provided by the developer prior to the commencement of construction to all premises upon which buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

(7) Section 507.5.5 of the California Fire Code is hereby amended to read as follows:

Section 507.5.5 Clear Space Around Hydrants

A 3-foot clear space shall be maintained around the circumference of the 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.

(8) Section 507.5.7 is hereby added to the Fire Code to read as follows:

Section 507.5.7 Hydrant Identification

The fire code official shall designate a specific type marker device to be installed at each fire hydrant location within the city. Markers shall

be visually indicating fire hydrant location during the daylight hours and hours of darkness.

1. For each new fire hydrant installed, the developer, contractor, or installer shall install a marker device in accordance with a standard method of installation prescribed by the fire code official.
2. 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.

(9) Section 507.5.8 is hereby added to the Fire Code to read as follows:

Section 507.5.8 Fire Hydrant Type and Outlets

Fire hydrant type and number of outlets shall be required as determined by the fire code official.

Super Hydrant – Standard, one 4-inch outlet and two, 2 ½-inch outlets

Super hydrant – Enhanced, two 4-inch outlets, and one 2 ½-inch outlets.

(10) Section 511 is hereby added to the Fire Code to read as follows:

Section 511 Fire Department Breathing Apparatus Air Supply

All buildings having floors used for human occupancy located more than seventy five (75) feet or more above or below the lowest level of fire department vehicular access shall be equipped with an approved breathing apparatus air refilling system. Such system shall provide an adequate pressurized air supply through a permanent piping system for the replenishment of self contained breathing apparatus carried by fire suppression, rescue, and other personnel in the performance of their duties. Location and specification of access stations, and the installation of such breathing apparatus air refilling system shall be made in accordance with the requirements of the fire code official.

**F. Chapter 6 BUILDING SERVICES AND SYSTEMS**

(1) Section 606.10.1.2 of the Fire Code is hereby amended to read as follows:

Section 606.10.1.2 Manual Operation

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.

**G. Chapter 9 FIRE PROTECTION SYSTEMS**

(1) Section 901.3.1 is hereby added to the Fire Code to read as follows:

Section 901.3.1 Modification

No person shall remove or modify any fire protection system installed or maintained under the provisions of the California Fire Code without approval by the fire code official.

(2) Section 903.2 of the Fire Code is hereby amended to read as follows:

Section 903.2 Where Required

In addition to other provisions of this section, an approved automatic fire sprinkler system shall be installed in any building or portion of a building hereafter constructed when the required fire flow exceeds 1,500 gallons per minute or greater.

1. To determine the required fire flow, the fire code official shall be guided by Appendix B and the Insurance Services Office method.
2. In an existing building hereafter remodeled, or altered (alteration) where the required fire flow exceeds or is changed to exceed 2,500 gpm, an automatic fire sprinkler system shall be installed in accordance with the provisions of this section.
3. Each portion of a building separated by one or more fire walls may be considered a separate fire flow calculation area, provided the fire wall are of masonry construction (4 hour fire rating), contain no openings and constructed in accordance with the California Building Code.

4. One-and-Two family dwellings shall have an automatic fire sprinkler system regardless of square footage or required fire flow in accordance with the California Residential Code.

(3) Section 912.2.1 of the Fire Code is hereby amended to read as follows:

Section 912.2.1 Visible Location

Fire Department connections shall be located in the front access side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the Fire Code Official. The location of fire department connections shall be approved and installed as follows:

1. Within 50 feet of an approved roadway or driveway and arranged so that hose lines can be readily attached to the inlets without interference from any nearby objects including buildings, fences, posts, plantings, or other Fire Department connections and/or otherwise approved by the Fire Code Official.
2. Within 50 feet of an approved fire hydrant
3. So that the inlet height shall not be less than 24 inches or more than 48 inches above grade.
4. Guard posts or other approved means may be required to protect fire department inlet connections from vehicular damage.

**H. Chapter 34 TIRE REBUILDING AND TIRE STORAGE**

(1) Section 3405.10 is hereby added to the Fire Code to read as follows:

Section 3405.10 Dead-End Aisles

No dead-end aisles shall be allowed within the facility.

**I. Chapter 56 EXPLOSIVES AND FIREWORKS**

(1) Section 5608.2 is hereby added to read as follows:

Section 5608.2 Safe and Sane Fireworks

This section is to read precisely as the operative language of §§ 101.2 through 101.8, inclusive, of Chapter 101 of the City of Indio Code.

*Fireworks Defined.* Fireworks to be regulated pursuant to the permitting process herein established are those classified by the State Fire Marshal as "Safe and Sane fireworks," and includes any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks," under Health and Safety Code Section 12505 and 12508.

*Application for Permit:*

(A) *Timing.* In addition to the requisite license from the State Fire Marshal pursuant to Health and Safety Code Section 12500 et al., application must be made to the City Clerk for a retail sales permit on or before the last Friday in March of the calendar year for which the permit is sought. Permit applications may be obtained from the Office of the City Clerk.

(B) *Eligibility and Granting of Permits.* Eligibility shall only be open to those tax-exempt organizations as defined under Code Section 501(c)(3) of the Internal Revenue Code, one permit per each tax-exempt identification number. Every year, the City Clerk shall review all applications for timeliness and proper qualifications and shall issue a maximum of nine permits in any given year to qualified, timely applicants, one of which shall go to the India Youth Task Force. If the City Clerk shall have in excess of nine timely applications, the City Clerk shall select a total of eight permittees from the pool of qualified, timely applicants based on a lottery.

(C) *Notice.* Applicants shall be notified of the granting or denial of the permit on or before the first Monday in May of each calendar year. Retail sales of fireworks shall be authorized only during the period of 12 noon on the 28th of June through 12 noon on the 6th of July of the same calendar year and such license shall expire at the end of such period. No temporary fireworks stand may be erected prior to the 18th of June or remain in place after the 6th of July of the same calendar year.

*Permit Authority.* The City Clerk may grant or deny the issuance of a permit for erection of a temporary fireworks stand and the retail sales of fireworks pursuant to the delegation of such authority by the city. If an applicant believes its application was improperly excluded from the pool of qualified and timely applications, the applicant may receive a hearing by the City Manager to appeal the denial of a permit, at which time the City Manager may reverse, modify, or sustain the denial.

*Permit Requirements.* The following provisions apply to each of the nine permittees for the retail sale of fireworks:

(1) Each application shall be accompanied by a filing fee of \$250.00 to defray the city's cost of providing public safety services.

(2) Once issued, permits shall not be transferable, assignable or renewable. Any permit issued shall be valid only for the dates and location specified in the permit. Only one temporary fireworks stand may be operated by each permittee.

(3) The applicant must be insured for the minimum coverage amounts of \$1,000,000/\$1,000,000 for potential public liability and property damage in connection with the operation of the temporary fireworks stand. The city must be named as an additional insured under the insurance policy.

(4) Each permittee is required to obtain a City of Indio Special Events Business License.

(5) Each permittee is required to obtain a State Board of Equalization Permit.

(6) All permit requirements must be completed and returned to the City Clerk by 5:00 p.m. on June 1st of the calendar year for which the permit is sought.

(7) Each organization must be issued a license from the State Fire Marshal pursuant to Health and Safety Code Section 12500, et seq.

(8) Each organization must be a nonprofit association or corporation organized primarily for veteran, youth, patriotic, welfare, civic betterment, or charitable purposes.

(9) Each organization must have its principal and permanent meeting place within the territorial limits of the city, must have been organized and established for a minimum of one year continuously preceding the filing of the application for the retail sales permit, and must have a bona fide membership of at least 20 members, the majority of whom reside in the city.

(10) Failure to meet any of the requirements will result in revocation of the application permit.

*Temporary Fireworks Stand Requirements.* Each of the nine selected permittees must submit to the Fire Chief a plot plan approved by the owner of the property upon which the applicant will construct a temporary fireworks stand. The Fire Chief shall make an investigation of the proposed site to ensure compliance with the following:

(1) The temporary fireworks stand erected for the retail sale of fireworks must be constructed under the supervision of the City Building Department Inspector in such a manner as will reasonably ensure the safety

of salespersons and patrons. An electrical permit must be obtained if a temporary power pole is required.

(2) The temporary fireworks stand shall have at least two exits, each at least 30" in width, in locations to be approved by the Fire Chief. The stand shall be located at least 25' from any other structure or property line of adjoining land. Minimum setback from the public sidewalk shall be ten feet. No stand shall have a floor area in excess of 260 square feet.

(3) At least two water base fire extinguishers shall be present in each temporary fireworks stand. The extinguishers shall be subject to inspection by the Fire Chief.

(4) There shall be at least one adult present in the temporary fireworks stand who is 21 years of age or over during all hours of retail sales. No person under 18 years of age shall sell fireworks at such stand.

(5) No smoking shall be allowed in the temporary fireworks stand nor within ten feet thereof. No alcoholic beverages shall be allowed on the premises.

(6) All weeds and combustible material shall be cleared from the location of the stand including a distance of at least 25' surrounding the stand.

(7) Signs stating "NO SMOKING" and "NO SALES TO ANYONE UNDER SIXTEEN (16) YEARS OF AGE," and all permits must be posted in a conspicuous place.

(8) An alert night watchman, at least 21 years of age, must be provided by the permittee to guard the temporary fireworks stand during the hours of storage.

*Public Display.* Notwithstanding any other provision of this chapter, fireworks may be lawfully possessed and used for public display within the city, as defined in Health and Safety Code Sections 12575 through 12577, upon written authorization by the Fire Chief.

*Violation.* Failure to remove the temporary fireworks stand in accordance with this chapter will result in the assessment of a penalty of \$50 per day that the stand remains in place, or portion thereof. The Fire Chief may revoke the permit granted to any permittee that is operating a temporary fireworks stand in violation of the provisions of the permit, or of this chapter. Such permittee shall not be eligible for a new permit for a period of one year thereafter.

## J. APPENDIX

(1) The following Appendices of the California Fire Code shall be adopted in its entirety without amendments or deletions and shall be part of the Fire Code:

1. Appendix BB
2. Appendix CC
3. Appendix E
4. Appendix F
5. Appendix G
6. Appendix I

## K. APPENDIX B

(1) Appendix B of the California Fire Code is hereby adopted as amended herein.

(2) Section B102.1 of Appendix B of the Fire Code is hereby amended to read as follows:

### Section B102.1 Definitions

**FIRE-FLOW.** The flow rate of a water supply, measured at 20 pounds per square inch residual pressure, that is available for fire fighting. The determination of this flow depends upon the size, construction, occupancy and exposure of a building or buildings within and surrounding the block or group complex.

(3) Section B104.2 of Appendix B of the Fire Code is hereby amended to read as follows:

### Section B104.2 Area Separation

Portions of buildings, which are separated by firewalls, with a four-hour fire resistive rating and without openings, constructed in accordance with the California Building Code, may be considered as separate fire flow area calculations.

(4) Section B105.2, Exception No. (1) of Appendix B of the Fire Code is hereby amended to read as follows:

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

#### EXCEPTION:

1. A reduction in required fire flow of up to 50 percent as approved, is allowed when the building is provided with an approved automatic fire 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 for the prescribed duration as specified in Table B105.1.

#### L. APPENDIX C

- (1) Appendix C of the California Fire Code is hereby adopted as amended herein.
- (2) Section C102.1 of Appendix C of the Fire Code is hereby amended to read as follows:

##### Section C102.1 Fire Hydrant Locations

Fire hydrants shall be provided at street intersections, cul-de-sacs, along required fire apparatus access roads, and adjacent public streets.

#### § 93.08 FIRE APPARATUS.

(A) In all locations where access for fire apparatus for fire suppression or rescue purposes is unduly difficult or subject to obstruction, the Fire Chief may designate fire lanes and cause them to be posted as such.

(B) No person shall obstruct such fire lanes in any manner that would deter or hinder the Fire Department from gaining immediate access and use of such designated fire lanes.

#### § 93.99 PENALTIES.

(A) It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this Chapter, or to violate the provisions of any permit granted pursuant to this ordinance. Any person, firm, corporation or association of persons violating any provision of this Chapter or the provisions of any permit granted pursuant to this ordinance, shall be deemed guilty of an infraction or misdemeanor as herein after specified. Such person or entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter or the provisions of any permit granted pursuant to this Chapter, is committed, continued, or permitted. In addition, any violation of any of the code adopted herein is a nuisance that may be abated as such pursuant to the provisions of this Municipal Code.

Any person, firm, corporation or association of persons so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars

(\$200.00) for a first violation; (2) guilty of an infraction offense and punishable by a fine now exceeding three hundred dollars (\$300.00) for a second violation on the same site. The third and any additional violations on the same site shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person or entity from the responsibility for correcting the violation.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Section 3. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 4.** The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted in the manner prescribed by law.

**Section 5. Effective Date.** This ordinance shall go into effect on January 1, 2014.

**PASSED, APPROVED AND ADOPTED** this 6th<sup>th</sup> day of November, 2013 by the following vote:

**AYES:** Millier, Torres, Ramos Watson, Wilson, Holmes  
**NOES:** None



\_\_\_\_\_  
ELAINE HOLMES, MAYOR

ATTEST:

  
\_\_\_\_\_  
CYNTHIA HERNANDEZ, CMC  
CITY CLERK

**RESOLUTION NO. 9663**

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

THE CITY COUNCIL OF THE CITY OF INDIO DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

**Section 1.** Recitals

A. Certain building standards and other related model codes are adopted by the State of California in the California Building Standards Code and become applicable in the City unless amended by the City pursuant to Health and Safety Code Section 17958.

B. Health and Safety Code Section 17958.5 authorizes the City Council to make reasonably necessary changes or modifications to the State adopted building codes, including the 2013 California Fire Code, adopted by the California Building Standards Commission and based upon the 2012 edition of the International Fire Code, based on certain local conditions.

C. The City of Indio has determined and recommended that the modifications to the 2013 California Fire Code, contained herein, are reasonably necessary due to local conditions.

D. Health and Safety Code Section 17958.7 requires the City Council to make express findings of the necessity for modifications to the building standards contained in the 2013 California Fire Code.

**Section 2.** The City Council of the City of Indio hereby expressly finds that the amendments and modifications to building standards contained in 2013 California Fire Code, as adopted by the City (amendments related to life-safety in Chapters 1, 2, 3, 4, 5, 6, 9, 34, 56, Appendix B, and Appendix C) are reasonably necessary due to the local climatic, geological or topographical conditions as set forth herein.

**A. Geographic and Topographic Conditions**

1. Riverside County and the City of Indio are located in Seismic Zone four (4). There are earthquake faults that run throughout Riverside County. The San Andreas Fault Zone is a known active fault and runs directly adjacent to the cities northern border. Many large quakes have occurred on this fault including the 2004 Parkfield magnitude 6.0, the 1989 Loma Prieta magnitude 7.1, and the 1907 San Francisco magnitude 7.8 quakes. A recent University of California Study, by Yuri Fialko, predicts that the San Andreas Fault, specifically the Southern segment, is

overdue for a large quake of magnitude 7.0 or larger. This study further specifically predicts substantial damage to Palm Springs and the surrounding areas. There are areas within the city limits and sphere of influence which are subject to not only earthquake activity, but wind erosion, blown sand, flooding and brush covered open spaces. Placement of multiple occupancy buildings, location of arterial roads and fire department staffing constraints, have made it difficult for the fire department to provide staffing sufficient to concentrate fire companies and personnel to control fires in single and multi-story retail, commercial and industrial buildings, making enhanced, built-in protection necessary.

2. Traffic and circulation congestion presently existing in the City of Indio often places fire department search and rescue response time to building collapse and fire occurrences at risk. This condition makes the need for enhanced on-site protection for property and occupants necessary.

### **B. Climatic Conditions**

1. Generally, Indio has an arid climate. Hot, dry Santa Ana winds are common to Indio. These winds constitute a contributing factor which causes small fires originating in high/medium density development presently being constructed in Indio, which spread quickly and create the need for an increased level of protection. This added protection, including, but not limited to, on-site protection, will supplement normal Fire Department response available in new development, and provide immediate fire protection for life and safety of multiple-occupancy occupants during fire occurrence.

### **Section 3. Specific Amendments and References to Findings.**

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

California Health and Safety Code Section 17958.7 requires that the modification or change be expressly marked and identified as to which each finding refers. Therefore, the City Council finds that the following table sets forth 2013 California Fire Code and related Code provisions constituting building standards that have been modified pursuant to Ordinance No. 1640, and the associated local climatic, geological and/or topographical conditions described above in Section 2 supporting modification.

#### **California Fire Code Section**

#### **Findings in Section 2**

101.4  
103.4  
104.1

A-1 and Administrative  
A-1 and Administrative  
A-1 and Administrative

104.2.1	A-1 and Administrative
104.3.2	A-1 and Administrative
104.6.5	A-1 and Administrative
105.4.7	A-1 and Administrative
202	A-1, A-2, and B-1
308.6.3	A-1, and B-1
404.2	A-1, A-2, and B-1
503.1	A-1, A-2 and B-1
503.2.2	A-1, and A-2
503.3	A-1, A-2 and B-1
504.1	A-1, A-2 and B-1
505.1	A-1 and A-2
507.1	A-1, A-2 and B-1
507.5.5	A-1, A-2, and B-1
507.5.7	A-1, A-2 and B-1
507.5.8	A-1, A-2, and B-1
511	A-1, A-2 and B-1
606.10.1.2	A-1, and A-2
901.9.1	A-1, A-2 and B-1
903.2	A-1, A-2 and B-1
912.2.1	A-1, A-2 and B-1
3405.10	A-1, A-2 and B-1
5608.2	Administrative
B102.1	Administrative
B104.2	A-1, A-2, and B-1
B105.2	A-1, A-2, and B-1
C102.1	A-1, A-2, and B-1

**Section 4.** The City Council finds and determines that the current Indio Fire Code, codified in Title IX, Chapter 93 of the Code of Indio, as adopted in Ordinance No. 1640 concurrent with this Resolution (the "New Fire Code") and the recommended non-administrative amendments thereto impose substantially the same requirements as, and are thus equivalent to or exceed, uniform industry codes and current California Building Standards Code requirements. To the extent that the New Fire Code is not found to be equivalent to or to exceed general requirements contained in uniform industry codes and current California Building Standards Code requirements, the City Council finds that such amendments in Ordinance No. 1640 the ordinance are necessary as result of unique local conditions identified hereunder.

**Section 5.** The City Clerk of the City of Indio is hereby directed to file this Resolution and a copy of the New Fire Code Ordinance, Ordinance No. 1640 with the California Building Standards Commission and to preserve said Resolution and Ordinance as public records.

**Section 6.** The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of October, 2013, by the following vote:

AYES: Miller, Torres, Ramos Watson, Wilson, Holmes  
NOES: None



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ELAINE HOLMES, MAYOR

ATTEST:



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CYNTHIA HERNANDEZ, CMC  
CITY CLERK

**RESOLUTION NO. 9663**

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

THE CITY COUNCIL OF THE CITY OF INDIO DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

**Section 1. Recitals**

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B. Health and Safety Code Section 17958.5 authorizes the City Council to make reasonably necessary changes or modifications to the State adopted building codes, including the 2013 California Fire Code, adopted by the California Building Standards Commission and based upon the 2012 edition of the International Fire Code, based on certain local conditions.

C. The City of Indio has determined and recommended that the modifications to the 2013 California Fire Code, contained herein, are reasonably necessary due to local conditions.

D. Health and Safety Code Section 17958.7 requires the City Council to make express findings of the necessity for modifications to the building standards contained in the 2013 California Fire Code.

**Section 2.** The City Council of the City of Indio hereby expressly finds that the amendments and modifications to building standards contained in 2013 California Fire Code, as adopted by the City (amendments related to life-safety in Chapters 1, 2, 3, 4, 5, 6, 9, 34, 56, Appendix B, and Appendix C) are reasonably necessary due to the local climatic, geological or topographical conditions as set forth herein.

**A. Geographic and Topographic Conditions**

1. Riverside County and the City of Indio are located in Seismic Zone four (4). There are earthquake faults that run throughout Riverside County. The San Andreas Fault Zone is a known active fault and runs directly adjacent to the cities northern border. Many large quakes have occurred on this fault including the 2004 Parkfield magnitude 6.0 , the 1989 Loma Prieta magnitude 7.1, and the 1907 San Francisco magnitude 7.8 quakes. A recent University of California Study, by Yuri Fialko, predicts that the San Andreas Fault, specifically the Southern segment, is

overdue for a large quake of magnitude 7.0 or larger. This study further specifically predicts substantial damage to Palm Springs and the surrounding areas. There are areas within the city limits and sphere of influence which are subject to not only earthquake activity, but wind erosion, blown sand, flooding and brush covered open spaces. Placement of multiple occupancy buildings, location of arterial roads and fire department staffing constraints, have made it difficult for the fire department to provide staffing sufficient to concentrate fire companies and personnel to control fires in single and multi-story retail, commercial and industrial buildings, making enhanced, built-in protection necessary.

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### **B. Climatic Conditions**

1. Generally, Indio has an arid climate. Hot, dry Santa Ana winds are common to Indio. These winds constitute a contributing factor which causes small fires originating in high/medium density development presently being constructed in Indio, which spread quickly and create the need for an increased level of protection. This added protection, including, but not limited to, on-site protection, will supplement normal Fire Department response available in new development, and provide immediate fire protection for life and safety of multiple-occupancy occupants during fire occurrence.

### **Section 3. Specific Amendments and References to Findings.**

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

California Health and Safety Code Section 17958.7 requires that the modification or change be expressly marked and identified as to which each finding refers. Therefore, the City Council finds that the following table sets forth 2013 California Fire Code and related Code provisions constituting building standards that have been modified pursuant to Ordinance No. 1640, and the associated local climatic, geological and/or topographical conditions described above in Section 2 supporting modification.

<u>California Fire Code Section</u>	<u>Findings in Section 2</u>
101.4	A-1 and Administrative
103.4	A-1 and Administrative
104.1	A-1 and Administrative

104.2.1	A-1 and Administrative
104.3.2	A-1 and Administrative
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507.5.7	A-1, A-2 and B-1
507.5.8	A-1, A-2, and B-1
511	A-1, A-2 and B-1
606.10.1.2	A-1, and A-2
901.3.1	A-1, A-2 and B-1
903.2	A-1, A-2 and B-1
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3405.10	A-1, A-2 and B-1
5608.2	Administrative
B102.1	Administrative
B104.2	A-1, A-2, and B-1
B105.2	A-1, A-2, and B-1
C102.1	A-1, A-2, and B-1

**Section 4.** The City Council finds and determines that the current Indio Fire Code, codified in Title IX, Chapter 93 of the Code of Indio, as adopted in Ordinance No. 1640 concurrent with this Resolution (the "New Fire Code") and the recommended non-administrative amendments thereto impose substantially the same requirements as, and are thus equivalent to or exceed, uniform industry codes and current California Building Standards Code requirements. To the extent that the New Fire Code is not found to be equivalent to or to exceed general requirements contained in uniform industry codes and current California Building Standards Code requirements, the City Council finds that such amendments in Ordinance No. 1640 the ordinance are necessary as result of unique local conditions identified hereunder.

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**Section 6.** The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of October, 2013, by the following vote:

**AYES:** Miller, Torres, Ramos Watson, Wilson, Holmes  
**NOES:** None



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ELAINE HOLMES, MAYOR

**ATTEST:**



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CYNTHIA HERNANDEZ, CMC  
CITY CLERK