

BUILDING STANDARDS COMMISSION

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



January 28, 2014

Brian Cowen, Building Inspector
Public Services Department
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

RE: Ordinance #583

Dear Mr. Cowen:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 3, 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,

A handwritten signature in blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



City of Morro Bay

955 Shasta Ave
Morro Bay, CA 93442
805-772-6261 805-772-6268 Fax

RECEIVED
2013 JAN -3 P 2:32
CALIFORNIA BUILDING
STANDARDS COMMISSION

December 31, 2013

Mr. Jim McGowan, Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

Dear Mr. McGowan,

Pursuant to the applicable provisions of the California Health and Safety Code, the City of Morro Bay has established more restrictive building standards than those contained in the California Building Standards Code.

In compliance with California Health and Safety Code § 17958.7(a), the City hereby submits a copy of the changes and related findings for filing.

Please contact me at 805-772-6214 or bcowen@morro-bay.ca.us with any questions or for further information.

Sincerely,

Brian Cowen, Building Inspector

Attachment: Ordinance No. 583

cc: Rob Livick, Public Services Director
Anne Russell, Interim City Attorney
Susan Slayton, Interim City Manager

ADMINISTRATION
595 Harbor Street

CITY ATTORNEY
595 Harbor Street

FINANCE DEPARTMENT
595 Harbor Street

FIRE DEPARTMENT
715 Harbor Street

HARBOR DEPARTMENT
1275 Embarcadero Road

POLICE DEPARTMENT
870 Morro Bay Boulevard

PUBLIC SERVICES
955 Shasta Avenue

RECREATION & PARKS
1001 Kennedy Way

ORDINANCE NO. 583

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY;
REPEALING, AMENDING, AND REENACTING CHAPTERS 14.01-14.12 and 14.52
OF THE MORRO BAY MUNICIPAL CODE
(BUILDINGS AND CONSTRUCTION)**

**THE CITY COUNCIL
CITY OF MORRO BAY, CALIFORNIA**

**CERTAIN STATE AND MODEL CODES RELATING TO FIRE AND LIFE SAFETY AS
FOLLOWS:**

1. 2013 California Building Code (volumes 1 and 2)
2. 2013 California Residential Code
3. Appendix Chapter 33 of the 1997 Uniform Building Code
4. 2013 California Electrical Code
5. 2013 California Mechanical Code
6. 2013 California Plumbing Code
7. 2013 California Energy Code
8. 2013 California Historical Building Code
9. 2013 California Fire Code
10. 2013 California Existing Building Code
11. 2013 California Green Building Code
12. 1997 Uniform Housing Code
13. 1997 Uniform Code for the Abatement of Dangerous Buildings

WHEREAS, Government Code § 50022, et.seq. and Health and Safety Code § 17922 authorize the City to adopt by reference the California Building Standards Code as provided in Titles 24 and 25 of the California Code of Regulations and other codes, including, without limitation, the Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings and Appendix Chapter 33 of the 1997 Uniform Building Code; and

WHEREAS, Pursuant to Health and Safety Code § 17950 and 18938(b), the California Building Standards Code is applicable to all occupancies throughout the State of California, whether or not the City takes affirmative action to adopt the California Building Standards Code; and

WHEREAS, Health and Safety Code § 17960, requires a local building department to enforce State Housing Law, the California Building Standards Code, and the implementing regulations of the Department of Housing and Community Development for residential structures; and

WHEREAS, Health and Safety Code § 17958.5 allows the City may make those changes or modifications to the requirements contained in the provisions published in the California Building Standards Code as it determines, pursuant to the provisions of Health and Safety Code § 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, Pursuant to Health and Safety Code § 18941.5, certain express findings have been made and are as follows:

FINDINGS

1. The topographic, underlying geologic and surface soil conditions of the hillsides of the City of Morro Bay are of a gradient and composition such that movement has historically been known to occur. Soils testing has revealed the presence of potentially hazardous geologic conditions, including expansive soils, questionable soils, soils prone to liquefaction and seasonally high ground-water. Therefore, it is reasonably necessary to adopt regulations for grading operations that are more detailed and restrictive than those adopted by the State of California and codified in the California Building Standards Code. More particularly, this finding supports the adoption of Appendix Chapter 33 of the 1997 Uniform Building Code and modification of Appendix J of the California Building Code.
2. Due to topographic and geologic conditions, development in Morro Bay has historically been constrained such that building occurred predominantly in the flatter areas, a scarcity of which resulted in the creation of small lots and the construction of structures in relative close proximity to one-another. These conditions are known to be conducive to the spread of fire and therefore, it is reasonably necessary to adopt standards more restrictive than those adopted by the State of California and codified in the California Building Standards Code and California Fire Code for the installation of automatic fire sprinklers on new and existing buildings, limiting the use of wood shakes or shingles, requiring that elevator cars be constructed to accommodate an ambulance stretcher, and to otherwise establish construction and fire prevention regulations more restrictive than those adopted by the State of California and codified in the California Building Standards Code to reduce and minimize the potential for loss of and damage to life and property resulting from fire, hazardous materials, explosions and to protect firefighters and emergency personnel during emergency operations. More particularly, this finding supports the modification of California Building Code section 1505.1, California Fire Code sections 302.1, 903.3.1.1 and 4504.1, California Residential Code sections R313.1 and R313.2, California Electrical Code Article 230-70(A)(1), the deletion of Sections 903.2 through 903.2.10.1 of the California Fire Code and the addition of section R313.3.3.5 to the Residential Code, and sections 308.1.1.1, 308.1.6.3, 511, 901.4.7 and 903.2 to the Fire Code.
3. Due to topographic conditions and in order to protect the estuarine environment of and adjacent to the City of Morro Bay, it is reasonably necessary to adopt regulations more restrictive than those adopted by the State of California and codified in the California

Building Standards Code, creating more stringent thresholds for when a building permit is required for construction of sidewalks, driveways, decks, paving, or flatwork, prohibiting the construction of private sewage disposal systems and requiring the installation of sewer backwater valves. More particularly, this finding supports the modification of California Building Code Section 105.2, California Plumbing Code section 713.0, and the addition of Plumbing Code section 709.5.

NOW, THEREFORE, the City Council of the City of Morro Bay does ordain as follows:

Chapters 14.01-14.12 and 14.52 of the Morro Bay Municipal Code are hereby repealed, amended, and reenacted to read as follows:

Chapter 14.01

GENERAL

Sections:

| | |
|------------------|---|
| 14.01.010 | Title and Purpose. |
| 14.01.020 | Adoption of Codes . |
| 14.01.030 | Building Official and Fire Chief Designated. |

14.01.010 Title and Purpose.

This title shall be known and may be cited as "The Buildings and Construction Ordinance of the City of Morro Bay," Title 14 of the Morro Bay Municipal Code. These regulations are hereby established and adopted to protect and promote public health, safety and welfare. This title establishes minimum regulations for construction, fire prevention, and the use and occupancy of buildings and other structures. This title prescribes regulations and standards that are consistent with the State Housing Law of California.

14.01.020 Adoption of Codes.

Thirteen documents, one each of which are on file in office of the Building Official, identified by the seal of the City of Morro Bay, marked and designated as the:

1. 2013 California Building Code (volumes 1 and 2),
2. 2013 California Residential Code,
3. Appendix Chapter 33 of the 1997 Uniform Building Code, published by the International Conference of Building Officials,
4. 2013 California Electrical Code,
5. 2013 California Mechanical Code,
6. 2013 California Plumbing Code,
7. 2013 California Energy Code,
8. 2013 California Historical Building Code,
9. 2013 California Fire Code,
10. 2013 California Existing Building Code,
11. 2013 California Green Building Code,
12. 1997 Uniform Housing Code, published by the International Conference of Building Officials,
13. 1997 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials;

are hereby adopted, including chapters and sections not otherwise adopted by agencies of the State of California, and the appendices thereto as the buildings, construction, and fire prevention regulations of the City of Morro Bay. The provisions of the above-mentioned are hereby referred to, adopted, and made a part hereof as if fully set out in this title except as modified hereinafter.

14.01.030 Building Official and Fire Chief Designated.

The City's Public Services Director/ City Engineer is hereby designated as the Building Official and Code Official for the City of Morro Bay. The Fire Chief is hereby designated as the Fire Code Official for the City of Morro Bay. Where the "authority having jurisdiction" is used in the adopted codes, it shall mean the Building Official or the Fire Chief, as applicable.

14.02

ADMINISTRATION AND ENFORCEMENT

Sections:

14.02.010 Administration and Enforcement.

14.02.020 Modification of Division II of Chapter 1 of the California Building Code.

14.02.010 Administration and Enforcement.

The Administration and Enforcement of this title shall be in accordance with Division II of Chapter 1 of the California Building Code as adopted and modified, amended, and/ or supplemented herein.

14.02.020 Modifications of Division II of Chapter 1 of the California Building Code.

The California Building Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

A. Amend Section 103.1 to read as follows:

103.1 Creation of Enforcement Agency. The Building Division of the Public Services Department of the City of Morro Bay is hereby created and the official in charge thereof shall be known as the Building Official. Where reference is made to the Authority Having Jurisdiction or Code Official in the adopted Codes, it shall mean the Building Official.

B. Add Section 104.8.1 to read as follows:

104.8.1 Liability or Responsibility due to Error or Omission. This title shall not be construed so as to impose upon the City, or upon any of its officials or employees, any liability or responsibility for injury or damage resulting from any work approved or performed with respect to this title, or by reason of any inspection performed hereunder. No person shall be relieved of the responsibility of compliance with this title because of an error or omission made by a city official or employee.

C. Add Section 104.9.2 to read as follows:

104.9.2 Cargo Containers, Rail Cars, and Vehicle Bodies. Any person who intends to bring into the City or otherwise use, alter or relocate within the City any cargo container, streetcar, boxcar, refrigerator car, motorbus body or similar vehicle body for the purpose of use or occupancy, shall first make application to the Building Official and obtain the required permit. The application shall demonstrate that the proposed use, occupancy, structure, construction, and/ or alteration will conform to the provisions of this title.

D. Amend Section 105.2, Building Exception 6 to read as follows :

6. Sidewalks, driveways, decks, paving, or flatwork not more than 30 inches (762 mm) above adjacent grade, not exceeding 200 square feet, not over any basement or story below, and not part of an accessible route.

E. Amend Section 109.2 to read as follows:

109.2 Schedule of permit fees. Permit fees shall be as prescribed in the Master Fee Schedule.

F. Amend Section 113 to read as follows:

SECTION 113 BOARD OF APPEALS

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the technical provisions this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the City Council and hold office at its pleasure. The Building Official shall be an ex officio member and shall act as secretary to the board but shall have no vote upon any matter before the board. The board shall adopt rules of procedure for conducting its business.

The board of appeals shall also serve as the Local Appeals Board, Housing Appeals Board, and Accessibility Appeals Board, as defined in Health and Safety Code § 17920.5, 17920.6 and 19957.5.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code, nor shall the board have any authority to relative to the administration of this code.

113.3 Qualifications. The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the appeal and are not employees of the jurisdiction. Two members of the Accessibility Appeals Board shall be physically handicapped, two members shall be persons experienced in construction, and one member shall be a public member.

113.4 Appointment. Upon receipt by the Building Official, of a qualified application for appeal, the Building Official shall within 60 days, recommend to the City Council five persons who, based on their qualifications and experience, appear

to be suited to hear and decide the appeal. Upon finding that those individuals indeed appear to be qualified to hear and deciding the appeal, the City Council shall appoint those persons and they shall be known as the Board of Appeals and shall have the authority and be tasked with the duties thereof for the purposes of hearing and deciding that specific appeal.

G. Amend Section 114.4 to read as follows:

114.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, extends, repairs, moves, removes, demolishes or occupies any building, structure, or equipment in violation of the approved construction documents, a directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be subject to fines and penalties as established in Title 1 of the Morro Bay Municipal Code, in addition to other penalties as prescribed by law.

H. Add Section 114.5 to read as follows:

114.5 Authority to Arrest Persons. The building official shall be a public employee and not a peace officer, but shall have the authority to arrest persons pursuant to California Penal Code Section 836.5 for violations of Title 14 of the Morro Bay Municipal Code. If and whenever any code adopted by reference confers upon the building official the status of a law enforcement officer, the provisions of this section shall supersede the adopted code and the building official shall be a public employee and not a peace officer.

Chapter 14.03

BUILDING CODE

14.03.010 Modifications of the California Building Code.

The California Building Code, adopted in Section 14.01.020, is hereby modified, amended, and/or supplemented as follows:

A. Adopt appendices H, I and J. Delete appendices A, B, C, D, E, F, G, K, L and M.

B. Amend Section 1505.1 to read as follows:

1505.1 General. Roof assemblies shall be divided into the classes defined below. Class A, B, and C roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. The minimum roof coverings installed on buildings shall comply with Table 1505.1 based on the type of construction of the building.

For the purposes of this section, any building surface flatter than forty-five degrees to the horizontal shall be considered a roof and shall not be covered by wood shakes or shingles, except as otherwise allowed by this Code.

Exception: Skylights and sloped glazing that comply with Chapter 24 or Section 2610.

C. Amend Appendix J by reference to contain the text of Appendix Chapter 33 of the 1997 Uniform Building Code, which shall have the same force and effect as if printed here in its entirety and is hereby modified, amended, and/or supplemented as follows:

1. Amend Section 3309.2 to read as follows:

3309.2 Administration. The provisions of Division II of Chapter 1 of the California Building Code shall apply to the administration and enforcement of this chapter.

2. Amend Section 3309.7 to read as follows:

3309.7 Liquefaction Study. A study of the liquefaction potential of the site shall be provided, and the recommendations incorporated into the plans.

Exception: The Building Official may waive this requirement where it is determined by the geotechnical engineer or engineering geologist that the potential for liquefaction at the site is low.

3. Delete Section 3309.9.

4. Delete Section 3310.

Chapter 14.04

RESIDENTIAL CODE

14.04.010 Modifications of the California Residential Code.

The California Residential Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

- A. Delete Division II of Chapter 1. Administration and Enforcement of the Residential Code shall be as set forth in the California Building Code. Fees shall be as prescribed in the Master Fee Schedule.
- B. Adopt Appendices H and O. Delete Appendices A, B, C, D, E, F, G, I, J, K, L, M, N, P and Q.
- C. Amend Section R313.1 and R313.2 to read as follows:

R313.1 Townhouse and One and Two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in all new townhouses and one and two family dwellings, and in all existing townhouses and one and two family dwellings where alteration results in an increase in floor area in excess of 50 percent, or 1000 square feet. This section shall be applicable to mobile homes and factory-built housing not located in a mobile home or special occupancy park.

R313.2 Determination of Floor Area. For the purposes of this section, floor area shall be defined as the area within the exterior walls of the building under consideration. The floor area of a building, or portion thereof, not provided with surrounding walls, shall include the usable area under the horizontal projection of the roof or floor above.

For the purposes of this section, buildings shall be considered separate when:

- 1. The fire separation distance as defined in CBC Sec. 702.1 is not less than that permitted in CBC Table 705.8 where unprotected openings are allowed in an exterior wall of a non-sprinklered building, or
- 2. The buildings are structurally independent, the adjoining walls are constructed of fire-resistant construction as prescribed in CBC Table 602 without openings or penetrations, projections comply with CBC Section 705.2, and parapets are constructed where required by CBC Section 705.11.

- D. Add Section R313.3.3.5 to read as follows:

R313.3.3.5 Waterflow Alarm. A local waterflow alarm and remote inspector's test valve, installed in accordance with NFPA 13, shall be installed on all sprinkler systems.

Chapter 14.05

ELECTRICAL CODE

14.05.010 Modifications of the California Electrical Code.

The California Electrical Code, adopted in Section 14.01.020, is hereby modified, amended, and/or supplemented as follows:

A. Delete annexes A, B, C, D, E, F, G,H and I. Administration and Enforcement of the Electrical Code shall be as set forth in the California Building Code. Fees shall be as prescribed in the Master Fee Schedule.

B. Amend Article 230-70(A)(1) to read as follows:

230-70(A)(1) Readily Accessible Location. A service disconnecting means shall be installed at a readily accessible location either outside the building or structure, or inside nearest the point of entrance of the service conductors.

The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring travel through the building interior.

Chapter 14.06

MECHANICAL CODE

14.06.010 Modifications of the California Mechanical Code.

The California Mechanical Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

- A. Delete Division II of Chapter 1 and Table 114.1. Administration and Enforcement of the Mechanical Code shall be as set forth in the California Building Code. Fees shall be as prescribed in the Master Fee Schedule.
- B. Adopt appendices A, B, C, D, E, F and G.

Chapter 14.07

PLUMBING CODE

Sections:

- 14.07.010** **Modifications of the California Plumbing Code**
- 14.07.020** **Retrofitting with water-saving devices required.**
- 14.07.030** **Required sewer backwater valve.**

14.07.010 Modifications of the California Plumbing Code.

The California Plumbing Code, adopted in Section 14.01.020, is hereby modified, amended, and/or supplemented as follows:

- A. Delete Division II of Chapter 1 and Table 103.4. Administration and Enforcement of the Plumbing Code shall be as set forth in the California Building Code. Fees shall be as prescribed in the Master Fee Schedule.
- B. Adopt Appendix K . Delete appendices A, B, C, D, E, F, G, H, I, J,K and L.
- C. Add Section 709.5 to read as follows:

709.5 A Backwater Valve, extended to and accessible from grade for maintenance, shall be installed on every Building Sewer.

Exception: Installation of a Backwater Valve shall not be required when, to the satisfaction of the Building Official, it is determined that the intent and purpose of this section is otherwise met.

- D. Amend Section 713.0 to read as follows:

713.0 Sewer Required.

713.1 Every building in which plumbing fixtures are installed and every premises having drainage piping thereon shall have a connection directly to a public or private sewer.

713.2 Private Sewage Disposal Systems shall not be permitted.

14.07.020 Retrofitting with water-saving devices required.

A. Every property owner, prior to the sale or transfer of any real property upon which is located any structure connected to the city's water supply shall retrofit the structure with the water-saving devices required for new construction as set forth in this title. In cases where the

Building Official determines the use of such fixtures in existing structures would fail to meet the requirements of the Plumbing Code, fixtures using the least amount of water which do meet the requirements of the Plumbing Code shall be utilized.

B. In cases where a buyer intends to demolish all structures on such property within ninety days from the date of transfer, the structure need not be retrofitted prior to transfer; provided a covenant and a bond are filed with the city as follows:

1. The property owner shall file with the city clerk a notarized covenant agreeing to either demolish all structures located on the property connected to the city water system, within ninety days from the date of transfer or to perform the retrofit required in subsection A of this section, together with a faithful performance bond, in a form satisfactory to the city in an amount equal to one hundred and fifty percent of the full cost of retrofitting all such structures securing faithful performance of the agreement.

2. The agreement shall also authorize and grant the city permission to enter onto the property and to perform such retrofit in the event the property owner fails to do so. Further, the property owner shall agree to reimburse the city for all cost incurred by the City in the event the bond is insufficient.

C. Determination of compliance with the requirements of subsection A shall be made by the Building Official after an inspection performed by the Building Official or a qualified plumbing contractor under the supervision of the Building Official, who shall issue a certificate indicating same to the seller or title company involved. Seller shall pay the fee set forth in the Master Fee Schedule for such retrofit inspection at the time seller submits the request for the retrofit inspection. No property transfer shall be recorded until such certificate has been received by the seller and transferred with the title to the buyer. If noncompliance is found, the property owner (both seller and buyer) and any title company involved in the transfer shall be in violation of this code and subject to those penalties as prescribed in Title 1 of the Morro Bay Municipal Code.

14.07.030 Required sewer backwater valve.

A. Any existing lateral sewer piping upon any premises which services fixtures whose elevation is lower than the elevation of the first upstream sewer manhole rim, lamp hole, or pump station receiving manhole, and for which the city has record of a previous sewage backflow incident involving a clogged sewer main shall be protected from backflow of sewage by installing backwater valves of a type approved by the Building Official. The property owner shall be required to provide and install such device.

B. If the property owner fails to install and maintain a backwater valve in good working condition when required under this section, the Building Official may declare said sewer connection to be a nuisance and abate such nuisance pursuant to Section 8.12.010 et seq. of this code by installing an approved-type backwater valve at the owner's expense. Said property owner may, in addition, be subject to fines as outlined in subsection E of this section.

C. All house connection sewers, industrial sewers, private sewage disposal systems and appurtenances thereto, now existing, or hereafter constructed, shall be maintained by the owner of the property in a safe and sanitary condition and all devices or safeguards which are required by this section for the operation thereof shall also be maintained in a good working order by the owner. It shall be the property owner's responsibility to maintain that portion of the sewer to the public main, including the connection to the public main.

D. The director of public works, the health officer, and other duly authorized employees of the city and the health department bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this section. The director of public works, the health officer, or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.

E. Violations and Penalties. Any person who is convicted of violation of any provisions of this section is guilty of an infraction punishable as provided in Chapter 1.16 of this code.

Chapter 14.08

FIRE CODE

Sections:

- 14.08.010. Purpose.
- 14.08.020. Bureau of fire prevention.
- 14.08.030. Fire district established.
- 14.08.040. Penalties for turning in false alarms.
- 14.08.050. Fire injury report.
- 14.08.060. Storage of gasoline driven vehicles.
- 14.08.070. Citation powers.
- 14.08.080. Fire Hazard Severity Zones
- 14.08.090. Modifications of the California Fire Code

14.08.010. Purpose.

This chapter shall be known and may be cited as "The Fire Prevention Regulations of the City of Morro Bay", Chapter 8 of Title 14 of the Morro Bay Municipal Code. This chapter prescribes minimum regulations to reduce and minimize the potential for loss of and damage to life and property resulting from fire, panic, hazardous materials, and explosions.

14.08.020. Bureau of fire prevention.

The California Fire Code shall be enforced by the fire department or building division of the public services department under the supervision of the Fire Chief.

14.08.030. Fire district established.

The entire incorporated area of the city is declared to be and is established a fire district.

14.08.040. Penalties for turning in false alarms or for conviction of intentionally setting a fire.

Individuals responsible for turning in false alarms shall be responsible for the cost the fire department incurs while responding to the alarm. The cost of the false alarm shall be determined in accordance with the master fee schedule. The intent of this section is not to penalize those persons who make honest mistakes. Persons convicted of intentionally setting a fire in violation of any law or ordinance within the city limits shall pay the cost of fighting that respective fire.

14.08.050. Fire injury report.

Any physician, first aid station, ambulance company or persons who treat or aid any person injured by a fire, explosion or chemical burn within the municipality shall, within twenty-four hours, report such treatment and pertinent information to the fire department.

14.08.060. Storage of gasoline driven vehicles.

No one shall store, repair or use any motorcycle, moped or any other gasoline driven vehicle inside of any dwelling. Storage and repair of gasoline driven vehicles are permitted in garage areas adjacent to dwellings.

14.08.070. Citation powers.

The Fire Chief, Fire Marshal and full-time safety members of the Fire Department shall have the powers of a Peace Officer in performing their duties under this Code, and shall have the powers of a Peace Officer as provided in California Penal Code, Sections 830.31 and shall have the authority to issue citations as provided in Title 1 of the Morro Bay Municipal Code.

14.08.080. Fire Hazard Severity Zones.

A. Purpose and Intent. The purpose of this chapter is to provide authority for the identification of local fire hazard severity zones and provide authority for enforcement of state and local codes in these zones. The intent of this chapter is to reduce the potential for fire losses by providing minimum requirements for the protection of properties constructed in very high hazard severity zones and other wildland/urban interface areas designated by the fire chief and supported by substantial evidence.

B. Designation-Recommendation. The fire chief is hereby authorized to designate very high fire hazard severity zones within one hundred twenty days of receiving recommendations from the California Department of Forestry and Fire Protection.

C. Designation-Not identified. The fire chief may designate areas not identified as very high fire hazard Severity Zones by the California Department of Forestry and Fire Protection following a finding supported by substantial evidence in the record that the requirements for very high fire hazard severity zones are necessary for effective fire protection within the area(s).

D. Designation-Declined. The fire chief may decline to designate areas identified by the California Department of Forestry and Fire Protection as Very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements for very high fire hazard severity zones are not necessary for effective fire protection with the area(s).

E. Supported by substantial evidence in the record. "Supported by substantial evidence in the record" shall require the city council to hold a public hearing and make findings that there is competent substantial evidence in the record to support the fire chief's designation as fire hazard areas.

F. Enforcement. The Building Official shall enforce the provisions of Chapter 7A of the California Building Code and Chapter 49 of the California Fire Code in all very high fire hazard severity zones and other areas designated by the Fire Chief and supported by substantial evidence in the record.

G. Permits. All submittals for subdivision, entitlement, or building permits shall demonstrate that the proposed project allows for compliance with the provisions of Government Code Section 51182 and Public Resource Code Section 4291, except where otherwise allowed by law, to the satisfaction of the Fire Chief and the Building Official.

14.08.090. Modifications of the California Fire Code.

The California Fire Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

A. Adopt Appendix Chapter 4 and appendices B, BB, C, CC, D, H, I, and K. Delete appendices A, E, F, G and J.

B. Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Fire Code of the City of Morro Bay.

C. Section 103.1 is amended to read as follows:

Section 103.1 General. The Fire Department of the City of Morro Bay is hereby established and the person in charge thereof shall be known as the Fire Chief. Where the Code uses the term Fire Official, it shall mean the Fire Chief.

D. Section 113.2 is amended to read as follows:

113.2 Schedule of permit fees.
Fees shall be paid in accordance with the Master Fee Schedule.

E. Section 302.1, "Definitions," is amended to add the following definition:

SKY LANTERN. An airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons and airborne paper lanterns mean the same as sky lanterns.

F. Section 507.5.4 is amended to read as follows:

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

The Fire Chief shall have the authority to remove or cause to be removed, without notice, any vehicle, vessel, or object that is in violation of this section. The owner of said item, so removed, shall be responsible for all towing, storage, or other costs incurred therein.

G. Section 308.1.1.1 is added to read as follows:

308.1.1.1 Burning Prohibited. Open burning, bon fires, recreational fires, and all other outdoor fires are prohibited.

Exception:

Barbeques and portable outdoor fireplaces that conform with the following provision are allowed.

1. Fires shall be conducted at a safe distance from and in accordance with the applicable manufacturer's instructions to prevent the spread of fire to adjacent structures or other combustible materials.
2. Fire shall be contained in a non-combustible container, not to exceed 3 feet in diameter and 2 feet in height.
3. Fuel loading shall not exceed 3 feet in diameter or 2 feet in height.
4. Fire shall be fueled by propane, natural gas, charcoal, dried wood, commercial fire logs, or pellets. Fuels shall not include green waste, yard trimmings, pressure treated wood, trash, plastic, or other noxious or hazardous materials.
5. Ground fires, sub-surface or pit fires, and earth floored fire rings are prohibited.
6. If in the opinion of the Fire Chief or his or her designee, a fire is potentially hazardous or smoke is causing a nuisance, the fire shall be extinguished immediately.

H. Section 308.1.6.3 is added to read as follows:

308.1.6.3 Sky Lanterns. The ignition and launching of sky lanterns is prohibited.

Exception: The ignition and launching of sky lanterns may be allowed, subject to the approval of a permit by the Chief, where it has been determined that adequate safeguards will be in place.

I. Section 511 is added to read as follows:

**SECTION 511
FIRE SERVICE ELEVATOR**

511.1 Elevator car to accommodate ambulance stretcher. Where elevators are provided, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an

ambulance stretcher 24 inches by 84 inches with not less than 5-inch radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches high and shall be placed inside on both sides of the hoistway door frame.

Exception: Elevators located within one- and two-family dwellings and townhouses.

J. Section 901.4.5 is added to read as follows:

901.4.7 Partial Sprinkling of Buildings. Partial sprinkling of buildings shall not be permitted, except where otherwise allowed by NFPA 13R, 13D, and Section 903.3.1.1.1.

K. Delete Sections 903.2 through 903.2.10.1.

L. Add Section 903.2 to read as follows:

903.2 Where Required. An approved automatic fire sprinkler system shall be installed throughout:

1. All new buildings exceeding 1000 square feet of floor area.

Exceptions:

- a. A structure containing only Group A, Division 5 occupancy.
- b. Agricultural accessory buildings and greenhouses.

2. All new buildings and structures on the west side of Embarcadero Road.

Exception:

Installation of an automatic fire sprinkler system shall not be required when, to the satisfaction of the Fire Chief and the Building Official, it is demonstrated that the proposed construction, use, and occupancy are minor in scope and nature, that the installation of an automatic fire sprinkler system would be impractical, and that the intent and purpose of this section is otherwise met.

3. All existing buildings exceeding 1000 square feet of floor area, where an automatic fire sprinkler system does not already exist, and a change in the character of use or occupancy is made, which increases the fire hazard level.

4. All existing buildings, where alterations result in:

- a. An increase in floor area in excess of 50 percent, or
- b. An increase in floor area in excess of 1000 square feet.

903.2.1 Determination of Floor Area. For the purposes of this section, floor area shall be defined as the area within the exterior walls of the building under consideration. The floor area of a building, or portion thereof, not provided with surrounding walls, shall include the usable area under the horizontal projection of the roof or floor above.

For the purposes of this section, buildings shall be considered separate when:

1. The fire separation distance as defined in CBC Sec. 702.1 is not less than that permitted in CBC Table 705.8 where unprotected openings are allowed in an exterior wall of a non-sprinklered building, or
2. The buildings are structurally independent, the adjoining walls are constructed of fire-resistant construction as prescribed in CBC Table 602 without openings or penetrations, projections comply with CBC Section 705.2, and parapets are constructed where required by CBC Section 705.11.

M. Amend Section 903.3.1.1 to read as follows:

903.3.1.1 NFPA 13 sprinkler systems. Where other provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, or where a building contains two or more occupancies or uses, sprinklers shall be installed throughout in accordance with NFPA 13 as amended in Chapter 47 except as provided in Section 903.3.1.1.1.

N. Section 3604.1 is amended to read as follows:

3604.1 General. Piers, marinas, docks, fuel docks, wharves and similar boat mooring facilities shall be equipped with fire protection equipment in accordance with Section 4504.2 through 4504.6 and as otherwise required by the Chief.

O. Section 5609 is added to read as follows:

**SECTION 5609
SALE AND USE OF FIREWORKS**

5609. Sale and Use of Fireworks Unlawful. The sale or use of fireworks, pyrotechnics, and others explosives shall be unlawful.

Exceptions:

1. The sale of fireworks, approved by the State Fire Marshal as "safe and sane," shall be permitted, subject to the approval of a permit by the Chief.
2. The use of fireworks, approved by the State Fire Marshal as "safe and sane," shall be permitted on private property only.

3. Public fireworks displays may be allowed, subject to the approval of a permit by the Chief.
4. Pyrotechnics for use in movie industry operations may be allowed, subject to the approval of a permit by the Chief.
5. This section shall not apply to the sale and use of State Fire Marshal approved and listed party poppers and snap caps.

Chapter 14.09

EXISTING BUILDING CODE

14.09.010 Modifications of the California Existing Building Code

The California Existing Building Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows and shall be the technical strengthening provisions for buildings subject to Chapter 14.18 of this title:

A. Amend Section A102.1 of Appendix Chapter A1 to read as follows:

A102.1 General. The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1-A. Except as provided herein, other structural provisions of the building code shall apply. This chapter does not apply to the alteration of existing electrical, plumbing, mechanical or fire safety systems.

Exception: This section shall not apply to detached one-family or two-family dwellings and detached apartment houses containing less than five dwelling units and used solely for residential purposes.

Chapter 14.10

RESERVED

Chapter 14.11

HOUSING CODE

14.11.010 Modifications of the Uniform Housing Code.

The 1997 Uniform Housing Code, adopted in Section 14.01.020, shall have the full force and effect as if printed here in its entirety and is hereby modified, amended, and/ or supplemented as follows:

- A. Amend Section 103 to read as follows:

SECTION 103-SCOPE

The provisions of this code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as provided in Chapter 34 of the Building Code, except such structures as are found to be substandard as defined in this code.

Where any building or portion thereof is used or intended to be used as a combination apartment house- hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Rooming houses, congregate residences or lodging houses shall comply with all requirements of this code for dwellings.

- B. Amend Section 104.1 to read as follows:

104.1 Additions, Alterations, or Repairs. For additions, alterations or repairs, see Chapter 34 of the Building Code.

- C. Amend the following definitions, located in Section 401, to read as follows:

BUILDING CODE is the California Building Code, as adopted and amended by this jurisdiction.

HEALTH OFFICER is the legally designated head of the San Luis Obispo County Department of Public Health.

MECHANICAL CODE is the California Mechanical Code, as adopted and amended by this jurisdiction.

PLUMBING CODE is the California Plumbing Code, as adopted and amended by this jurisdiction.

Chapter 14.12

DANGEROUS BUILDINGS CODE

14.12.010 Modifications of the Uniform Code for the Abatement of Dangerous Buildings.

The 1997 Uniform Code for the Abatement of Dangerous Buildings, adopted in Section 14.01.020, shall have the full force and effect as if printed here in its entirety and is hereby modified, amended, and/ or supplemented as follows:

- A. Amend Section 103 to read as follows:

SECTION 103- ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of Chapter 34 of the Building Code.

- B. Amend the following definitions, located in Section 301, to read as follows:

BUILDING CODE is the California Building Code, as adopted and amended by this jurisdiction.

HOUSING CODE is the 1997 Uniform Housing Code, as adopted and amended by this jurisdiction.

Chapter 14.52

MARINE DOCKS AND STRUCTURES

Sections:

- 14.52.010 Floating docks.
- 14.52.020 Definitions.
- 14.52.030 Permits required.
- 14.52.040 Application for permit.
- 14.52.050 Parking requirements.
- 14.52.060 Safety.
- 14.52.070 Sanitation.
- 14.52.080 Floating dock construction.
- 14.52.090 Large floating dock construction.
- 14.52.100 Small private floating dock construction.
- 14.52.110 Materials except for private floating docks.
- 14.52.120 Flotation for all floating docks.
- 14.52.130 Gangway design.

14.52.010 Floating docks.

The intent of this chapter is to regulate floating docks and marina construction as defined in this chapter within the city limits. The design and specification criteria is in addition to all other city codes, ordinances and rules and regulations and is in addition to applicable laws or statutes of the United States or the state and to any applicable rule, regulation, or order of any state or federal agency. (Ord. 37 § 1 (part), 1965: prior code § 4270)

14.52.020 Definitions.

A. "Floating dock" means a moorage for boats, ships and sailing vessels supported by a buoyant method acceptable to this chapter which may or may not be attached to land. For purposes of this chapter, floating docks are further classified in this section as public floating docks and private floating docks limited to single family use.

B. "Floating marina" means a moorage defined as a floating dock which has buildings or equipment and/or structures on it used for service to boats. (Ord. 37 § 1 (part), 1965: prior code § 4271)

14.52.030 Permits required.

It is unlawful for any person to commence, or cause to be commenced, any construction of any floating dock or marina or other similar work governed by this chapter without having first obtained a permit evidencing approval of the city building department of all construction plans, specifications and schematic and working drawings pursuant to which such structure is to be constructed, all as provided in this chapter. After the issuance of such permit and approval of such plans and specifications and other documents, the construction of such approved structure or facility shall be in strict compliance with such approved plans, specifications and documents. See Master Fee Schedule. (Ord. 225 § 78, 1982; Ord. 37 § 1 (part), 1965: prior code § 4272(a))

14.52.040 Application for permit.

The applicant for a permit for the construction of any floating dock or marina or other facility of a similar nature governed by this chapter shall submit to the planning and building department of the city the following:

A. Three copies each of the plot plan (including the parking layout), full construction plans and specifications, complete working drawings, schematic drawings of electrical and mechanical work, and other similar documents;

B. Evidence that an encroachment permit has been obtained from the city if the construction work is to be done on or abutting city property;

C. Evidence that the applicant has the approval of the owner of the property over which the facility is to be located and the abutting land area to construct such facility;

D. Evidence that the applicant has complied with all applicable statutes and laws of the United States, or the state, and with all applicable rules, regulations and orders of any state or federal agency;

E. Where the approval of any other city or county department or agency is required, evidence that such approval has been obtained;

F. Where the applicant seeks a permit for construction of a floating marina or any floating dock in excess of four hundred square feet in area or fifty feet in length measured perpendicular to the shoreline, evidence that a California Registered Civil Engineer or Licensed Architect has prepared the plans and specifications for the construction thereof;

G. The complete design criteria on which the plans and specifications for such facility are based, including the severity of the design wave action; and

H. Any other information reasonably required by the planning and building department in order to evaluate the proposed facility. (Ord. 37 § 1 (part), 1965: prior code § 4272(b))

14.52.050 Parking requirements.

A. Commercial boat docking facilities shall provide one vehicle parking space for each one and one-half mooring spaces and/or each twenty-five lineal feet of dock, plus one added space for each two employees. Parking spaces shall be located within one thousand feet of the mooring or dock spaces.

B. Parking requirements for commercial facilities housed in buildings, such as restaurants, which are used in conjunction with a marina or dock facility shall be the same as required by Title 17, zoning.

C. All other parking shall conform to the standards established in Title 17, zoning. (Ord. 66 § 16, 1967; Ord. 37 § 1 (part), 1965: prior code § 4273)

14.52.060 Safety.

Firefighting appliances and equipment shall be provided and maintained in an operable manner for all commercially operated marinas and dock facilities, as specified by ordinances of the city, and all installations shall be subject to the approval of the chief of the fire department.

Domestic water service to any floating facility shall meet minimum requirements established by the department of public works, and the county health department and such approval shall be made a part of the construction plans.

Illumination shall be provided at passenger loading areas of commercial piers, floats and docks. All railing on floating facilities shall be designed for a minimum twenty pound lineal foot

horizontal load applied at the top railing. The minimum height of the railing shall be forty-two inches above adjacent floor level. (Ord. 37 § 1 (part), 1965; prior code § 4274)

14.52.070 Sanitation.

Removal of sewage from floating facilities shall be subject to the approval of the department of public works and the county health department and approval of the method of disposal desired shall be obtained at the time the construction plans are submitted. In addition to other sanitary requirements for buildings, all public floating docks or floating marinas shall have a minimum of two restroom facilities (one for male and one for female) for each seventy-five mooring spaces available. The maximum walking distance from boat berth to restroom shall not exceed four hundred feet. (Ord. 37 § 1 (part), 1965; prior code § 4275)

14.52.080 Floating dock construction.

Construction requirements for a floating dock less than two thousand square feet, except private floating docks less than four hundred square feet, are as follows:

| | |
|--------------------|--|
| Pier width | — 4'0" minimum |
| Gangway width | — 3'0" minimum |
| Main access width | — 6' for finger floats 35' or less in length. 8' for over 35' finger length or when main access float exceeds 350'. |
| Finger float width | — 3' minimum for 30' or less in length. 4' minimum for over 30' in length. |

All docks shall be designed for boat moorage on at least one side of the boat unless otherwise approved by the building official. Guardrails shall be provided on all access piers and gangways and floats intended for gathering places such as food distribution areas and similar service areas.

The clear water dimension between opposing rows of finger floats shall be a minimum of 1.75 times the length of the longest finger float. (Ord. 37 § 1 (part), 1965; prior code § 4276.1)

14.52.090 Large floating dock construction.

Construction requirements for large floating docks (over two thousand square feet of float area) are as follows:

| | |
|--|-----------------------|
| Pier width | — 8'0" minimum. |
| Gangway width | — 4'0" minimum. |
| Fueling float or similar service areas | — 10' minimum width. |
| Finger floats | — 4'0" minimum width. |

The clear water dimensions between opposing rows of finger floats shall be a minimum of two times the length of the longest finger float.

Guide piles shall be installed at ends of all fingers attached to outboard end of main access float and at all floats exceeding thirty-five feet in length in ocean waters and inland waters

not subject to fluctuation. Maximum spacing of guide piles for main floats shall be forty feet. Piles shall meet the requirements of the Uniform Building Code. (Ord. 37 § 1 (part), 1965: prior code § 4276.2)

14.52.100 Small private floating dock construction.

Small private floating docks (less than four hundred square feet, etc.) shall meet flotation and anchorage requirements of this chapter. (Ord. 37 § 1 (part), 1965: prior code § 4276.3)

14.52.110 Materials except for private floating docks.

Flotation units shall be made of one of the following types of material: Concrete, pressure molded fiberglass, reinforced plastic, or an expanded cellular plastic material coated with an approved material to prevent physical or chemical damage.

Iron and steel parts shall be heavily galvanized or equally protected with a corrosion resistant coating.

Deck surfaces may be either concrete, plastic or wood. Lumber shall be a minimum of one and five-eighths inches net thickness. Plywood shall be marine exterior of three-fourths inches minimum thickness. All surfaces shall have a nonslip finish.

All lumber shall receive a full cell process salt preservative treatment in accordance with the specifications of the American Wood Preservers' Association. (Ord. 37 § 1 (part), 1965: prior code § 4277)

14.52.120 Flotation for all floating docks.

A. Design Loads. All portions of facility shall be designed to resist full dead load plus live loads. All buoyant units shall resist full design loads with maximum seventy-five percent submergence of unit.

B. Lateral Loads. All portions of facility shall be designed according to minimum requirements of the Uniform Building Code.

C. Vehicular Loads. All portions of facility shall be designed in accordance with the standard specifications for highway bridges as adopted by the American Association of State Highway Officials.

D. Finger Floats and Main Access Floats. The minimum design live load shall be fifteen pound square feet or a five hundred pound concentrated load on one square foot at any location, whichever causes the worst condition.

E. Fueling floats and Similar Service Area Floats. The minimum design live load shall be twenty pound square feet or a five hundred pound concentrated load on one square foot at any location, whichever causes the worst condition. (Ord. 37 § 1 (part), 1965: prior code § 4278)

14.52.130 Gangway design.

Gangways shall be provided at the end of all main floats. Where the gangway rests on the main float, adequate width shall be provided at the main float to provide clear width of eight feet on one side or four feet on each side of the gangway to the edge of the main float.

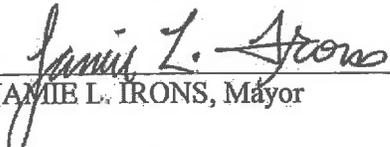
Gangways shall be designed for a live load of fifty pound square feet minimum. Special float conditions may require a greater live load to be considered, subject to the approval of the building official. (Ord. 37 § 1 (part), 1965: prior code § 4279)

SECTION TWO. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after its passage and, before the expiration of fifteen (15) days after its passage, shall be published once in a newspaper of general circulation printed and published in the City of Morro Bay, or in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance. Any publication of the Ordinance or summary or posting of the Ordinance shall include the names of the members of the City Council voting for and against the same.

INTRODUCED at a regular meeting the of the City Council of Morro Bay, held on the 22nd day of October, 2013 by motion of Councilmember Christine Johnson and seconded by Councilmember Leage.

PASSED AND ADOPTED on the 12th day of November, 2013, by the following vote:

| | |
|----------------|---|
| AYES: | Irons, C. Johnson, N. Johnson, Leage, Smukler |
| NOES: | None |
| ABSENT: | None |



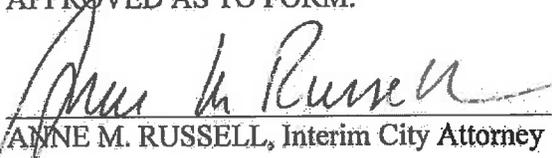
JAMIE L. IRONS, Mayor

ATTEST:



JAMIE BOUCHER, City Clerk

APPROVED AS TO FORM:



ANNE M. RUSSELL, Interim City Attorney