

**BUILDING STANDARDS COMMISSION**

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



February 21, 2014

Anthony Ghioffi  
Chief Building Official  
City of Mountain View  
500 Castro Street  
Mountain View, CA 94039

RE: Ordinance #11.13, #12.13, #13.13

Dear Mr. Ghioffi:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 17, 2014.

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

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

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

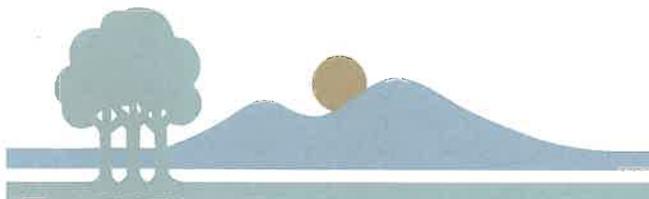
If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

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

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



# CITY OF MOUNTAIN VIEW

COMMUNITY DEVELOPMENT DEPARTMENT • BUILDING INSPECTION DIVISION  
500 Castro Street • Post Office Box 7540 • Mountain View • California • 94039-7540  
650-903-6313 • Fax 650-962-8501

January 10, 2014

MR JIM MCGOWAN—EXECUTIVE DIRECTOR  
CALIFORNIA BUILDING STANDARDS COMMISSION  
2525 NATOMAS PARK DRIVE #130  
SACRAMENTO CA 95833

RECEIVED  
CITY OF MOUNTAIN VIEW  
JAN 17 2 10 PM '14

## CITY OF MOUNTAIN VIEW, 2013 CALIFORNIA MODEL CODE ADOPTION AND LOCAL AMENDMENTS

Dear Mr. McGowan:

The enclosed documents outline the amendments that the City of Mountain View has made to the 2013 California Model Codes as part of the 2012 triennial code adoption process. On October 22, 2013, the Mountain View City Council approved the amendments to Chapter 8, Articles I, II, III, IV, and V; and Chapter 14, Articles I, II, and III of the City Code that reflect the local conditions that exist in the City of Mountain View. The amendments to the California Building Standards Code, Title 24, as referenced in Parts 2, 2.5, 3, 4, 5, and 9 are to the 2013 California Building, Residential, Fire, Plumbing, Mechanical, and Electrical codes.

A copy of the City Code Chapter 8 and 14 ordinance amendments as adopted on October 22, 2013 are enclosed. The enclosed ordinances have been signed by the Mayor and noticed by the City Clerk to verify the adoption date.

Should you have any questions regarding the City of Mountain View's adoption process and/or the amendments, please contact the Building Inspection Division at (650) 903-6313 or the Fire Marshal at (650) 903-6378.

Sincerely,

Anthony Ghiossi  
Chief Building Official

AG/7/CDD/808-01-10-14L-E

Enclosures

cc: FM, CA, ZA, CDD, File

Dated: 1-15-14 [Signature]  
Deputy City Clerk

ORDINANCE NO. 11.13

AN ORDINANCE AMENDING CHAPTER 8, ARTICLES I, II, III, IV, AND V, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2013 CALIFORNIA BUILDING CODES, INCORPORATING BY REFERENCE OTHER INTERNATIONAL AND UNIFORM CODES, AND ADOPTION OF THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. A local entity such as the City of Mountain View must adopt the California Building Standard Code prior to January 1, 2014 if the local agency desires to maintain local control and to make amendments to the California Codes or other international and uniform codes in order to accommodate local requirements for local conditions; and

Section 2. The City of Mountain View has adopted and amended Chapter 1, Division II of the California Building Code to address administrative provisions; and

Section 3. Council Findings.

The City of Mountain View has local conditions which require amendments to the California Building Standard Code and other international and uniform codes; and

The City of Mountain View experiences low humidity and warm temperatures during the summer months, creating conditions which are particularly conducive to the ignition and spread of grass, brush, and structure fires. Additionally, the City of Mountain View is geographically located in the most severe seismic zone, Seismic Zone 4, and situated near active earthquake faults capable of producing substantial seismic activity. Since the City of Mountain View is divided by major freeways and other transportation corridors, the occurrence of a major earthquake would significantly impact the ability of Fire Department personnel to respond to emergencies should one or more overpasses be substantially damaged or collapse. Additionally, fire suppression capabilities could be severely limited should the water system be extensively damaged during a seismic event. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials and other safeguards in an effort to minimize the risks to citizens, property, and fire suppression personnel; and

The City of Mountain View finds that amendments to CALGreen are necessary due to local environmental conditions due to climate change issues. The City Council approved community-wide Greenhouse Gas Reduction Targets which align with the provisions of California Assembly Bill 32 (Global Warming Solutions Act). The proposed amendments include provisions to administer and preserve natural resources, encourage the use of sustainable materials, manage waste, and reduce other direct and indirect causes of climate change; and

The City of Mountain View has made amendments and adopted the California Building Codes as Chapter 8, Articles I, II, III, and IV, to address climatic, topographic, geological, and environmental conditions; and

Section 4. The City of Mountain View, in adopting these codes, will be consistent with the State of California and other local municipalities;

Section 5. Article I, Divisions I, II, and III and Articles II, III, IV, and V of Chapter 8 of the Mountain View City Code are hereby deleted in their entirety.

Section 6. Article I, Division I, is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"ARTICLE I.  
BUILDING CODE.**

**DIVISION I. CALIFORNIA BUILDING CODE.**

**SEC. 8.10.1. California Building Code—Adopted.**

The California Building Code, 2013 edition, incorporates, by adoption, the 2012 edition of the International Building Code of the International Code Council with California amendments. The 2012 International Building Code, promulgated by the International Code Council, which regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and other structures, is adopted, including the following appendices: Appendices I and J by this reference is made a part of this city code with the same force and effect as though set out herein in full. Division II, Part 1, Scope and Administration, is adopted as the City of Mountain View administrative provisions for all adopted building codes. One (1) copy of the California Building Code is on file and open to public inspection in the building inspection office.

**SEC. 8.10.2. Subsection 101.1 amended—Title.**

Subsection 101.1 of the 2013 California Building Code is amended to read:

**101.1. Title.** These regulations shall be known as the Building Codes of the City of Mountain View, hereinafter referred to as "this code."

**SEC. 8.10.3. Subsection 101.4.4 amended—Property maintenance.**

Subsection 101.4.4 of the 2013 California Building Code is amended to read:

**101.4.4. Property Maintenance.** The provisions of the California Building Code, California Residential Code, California Mechanical Code, California Electrical Code, California Plumbing Code, California Fire Code, and 2012 International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators, and occupants and occupancy of existing premises and structures.

**SEC. 8.10.4. Subsection 103.1 amended—Division of building inspection established.**

Subsection 103.1 of the California Building Code is amended to read as follows:

**103.1. Division of building inspection established.** There is hereby established in the City of Mountain View a division of building inspection which shall be under the supervision of the chief building official who shall be accountable to the community development director of the city.

**SEC. 8.10.5. Subsection 104.1 amended—General.**

Subsection 104.1 of the California Building Code is amended to read as follows:

**104.1. General.** The chief building official is hereby authorized and directed to enforce the provision of this code. The chief building official shall have the authority to render interpretations of this code and to adopt policies and procedure in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(a) The chief building official is hereby authorized and empowered to enforce all the provisions of this code. For such purposes, he/she shall have the powers of a law enforcement officer.

(b) The chief building official shall enforce a fee schedule set forth by city council resolution, as amended from time to time.

**SEC. 8.10.6. Subsection 105.1.1 deleted—Annual permit.**

**SEC. 8.10.7. Subsection 105.1.2 deleted—Annual permit records.**

**SEC. 8.10.8. Subsection 105.2 amended—Work exempt from permit.**

Subsection 105.2 of the California Building Code is hereby amended to read as follows:

**105.2. Building.**

1. 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 (11 m<sup>2</sup>).

2. Fences not over 6 feet (1,829 mm) high.

3. Oil derricks.

4. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.

6. Sidewalks, residential decks and driveways no more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route or required exit.

7. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work that is not an element of an accessible route or furnishing.

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

9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (1,895 L) and are installed entirely above ground.

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

11. Swings and other playground equipment accessory to single detached one- and two-family dwellings and not considered a public playground.

12. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.

14. Window replacements in the same opening, when window opening is not modified and there is no framing construction required.

**SEC. 8.10.9. Subsection 105.3.2 amended—Time limitation of application.**

Subsection 105.3.2 of the California Building Code is amended to read as follows:

**105.3.2. Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the chief building official is authorized to grant one (1) or more extensions of time for additional periods not exceeding one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated.

**SEC. 8.10.10. Subsection 105.5 amended—Expiration.**

Subsection 105.5 of the California Building Code is amended to read as follows:

**105.5. Expiration.** Every permit issued by the chief building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days from the last inspection. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one (1) year from the issuance date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one (1) year from the last inspection. The chief building official has the authority to waive or reduce said fees if deemed appropriate and maintaining cost recovery. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The chief building official may extend at no charge the time for action by the permittee for a period not exceeding one hundred eighty (180) days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

**SEC. 8.10.11. Subsection 105.8 added—Required approval of community development director.**

Subsection 105.8 is added to the California Building Code, to read as follows:

**105.8. Required approval of community development director.** As to any application for a building permit regarding any proposed or existing building or structure situated, or to be situated, on any lot, which lot is subject to a previously granted variance, site plan, and architectural approval, conditional use permit, planned community permit or any other type of entitlement set forth in Chapter 36 of the Mountain View City Code, the chief building official shall not be required to issue any such building permit unless the community development director, or the director's authorized representative, has informed the chief building official that the conditions of approval of such variance, site plan, and architectural approval, conditional use permit, planned community permit or other land use entitlement have been fulfilled, or that sufficient guarantees have or will be posted with the director to ensure that all such conditions of approval will be fulfilled.

**SEC. 8.10.12. Subsection 109.2 amended—Schedule of permit fees.**

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

**109.2. Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the master fee schedule as adopted by the city council.

**SEC. 8.10.13. Subsection 109.3 amended—Building permit valuations.**

Subsection 109.3 of the California Building Code is amended to read as follows:

**109.3. Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the chief building official, the valuation is underestimated on the application, the valuation shall be adjusted using the current building valuation data table adopted by the city council. Final minimum building permit valuation shall be set by the chief building official.

**SEC. 8.10.14. Subsection 109.5 amended—Related fees.**

Subsection 109.5 of the California Building Code is amended to read as follows:

**109.5. Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law and the City of Mountain View.

**SEC. 8.10.15. Section 111.2 amended—Certificate issued.**

Subsection 111.2 of the California Building Code is amended to read as follows:

**111.2. Certificate issued.** After the chief building official inspects the building or structure and finds no violations of the provisions of this code, City of Mountain View conditions and ordinances, or other laws that are enforced by the building inspection division, the chief building official shall issue a certificate of occupancy. The project job

card issued by the City of Mountain View shall serve as the certificate of occupancy when properly signed.

**SEC. 8.10.16. Subsection 112.1—Amended—Connection of utility service.**

Subsection 112.1 of the California Building Code is amended to read as follows:

**112.1. Connection of utility service.** It shall be unlawful for any person, firm or corporation to make a connection from a source of electrical energy or fuel gas to any electric wiring system, gas piping system, device, appliance or equipment for the installation of which a permit is required, unless such wiring system, gas piping system, device, appliance or equipment has first been inspected and found to comply with all applicable codes and ordinances of the city.

**SEC. 8.10.17. Subsection 112.3 amended—Authority to disconnect service utilities.**

Subsection 112.3 of the California Building Code is amended to read as follows:

**112.3. Authority to disconnect service utilities.** The chief building official is authorized to disconnect, or order disconnection of, electrical or gas service to any system, device, appliance, or equipment found to be in violation of this code or under any of the following conditions:

1. Failure of the owner or his/her agent to secure or to fully comply with the conditions of the required permits.
2. Work found to be hazardous to life and property due to improper installation or maintenance or lack thereof of devices, appliances or equipment.
3. Work performed with or without a permit which has been connected to a source of supply without approval of the chief building official.
4. Electrical or gas services to buildings vacant for a period exceeding sixty (60) days.

**SEC. 8.10.18. Subsection 113.1 amended—Board of appeals.**

Subsection 113.1 of the California Building Code is amended to read as follows:

**113.1. General procedure for appeals.** Any applicant for a building permit who is in disagreement with the chief building official's interpretation of any provision of this code, or any applicant for a building permit who has been refused issuance of such permit, may appeal the chief building official's interpretation or refusal to issue said permit to the city council of the city. All such appeals shall be filed within ten (10) working days after the date the chief building official renders an interpretation of any provision of this code or refuses to issue said permit. All appeals shall be in writing, shall be filed with the city clerk, shall state the ground or grounds of appeal and shall be accompanied by a nonrefundable fee of two hundred fifty dollars (\$250). Within sixty (60) calendar days after an appeal is filed, or as soon thereafter as possible, the appeal shall be heard by the city council. The city clerk shall give at least five (5) days prior written notice to the applicant of the date, time, and place for the hearing on said appeal. The city council shall not be required to give public notice of said hearing. The applicant shall be entitled to present any oral and/or written evidence at said hearing. Any hearing held pursuant to this section may be continued from time to time by the city council. Within twenty-one (21) days after the hearing is closed, the council shall announce its decision. All decisions of the city council on any appeal shall be final. Any action to challenge, annul or contest the validity of any decision of the city council

on any such appeal shall be filed no later than sixty (60) calendar days after the date the city council has adopted a resolution formalizing its decision on the appeal.

**SEC. 8.10.19. Subsection 114.1 amended—Unlawful acts.**

Subsection 114.1 of the California Building Code is amended to read as follows:

**114.1. Unlawful acts.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person 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 code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable as set forth in the city charter.

**SEC. 8.10.20. Section [F] 501.2 amended—Address identification.**

Section [F] 501.2 of the California Building Code is amended to read as follows:

**[F] 501.2. Address identification.** New and existing buildings shall be provided with approved address numbers or letters. Each character shall be not less than 6 inches (152.4 mm) in height and not less than 0.5 inch (12.7 mm) in width. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. When 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 address cannot be viewed from the public way, a monument, pole, or other approved sign or means shall be used to identify the structure. Address numbers shall be maintained.

**Exception:** For R-3 occupancies, numbers shall be a minimum 4 inches high with minimum stroke width of 0.5 inch.

**SEC. 8.10.21. Subsection 706.1.1 amended—Party walls.**

Subsection 706.1.1 of the California Building Code is amended to read as follows:

**706.1.1. Party walls.** Any wall located on a lot line between adjacent buildings which is used or adopted for joint service between the two buildings shall be constructed as a fire wall in accordance with Section 705. Party walls shall create separate buildings. In occupancy group R-3, the construction separation at the lot line shall be with two (2) separate one (1) hour-rated fire walls complying with Section 705.

**SEC. 8.10.22. Section 903.2 amended—Automatic sprinkler systems, where required.**

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

**903.2. Where required.** Approved automatic sprinkler systems in new buildings and structures, and in existing modified buildings and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per the requirements set forth in Sections 903.2.1 through 903.2.19 and as follows, whichever is the more restrictive:

1. An automatic sprinkler system shall be installed throughout all new buildings and structures.

**Exceptions:**

a. Buildings and structures that do not exceed 1,000 square feet of building area in the following Groups: A, B, E, F, I, L, M, S and U occupancies. Exception does not apply to habitable accessory structures constructed on residential properties, regardless of area or occupancy classification.

b. Group S-2 or U occupancies used exclusively for vehicle parking and meeting all of the following conditions:

(1) Noncombustible construction;

(2) Maximum building area not to exceed 5,000 square feet;

(3) Structure is open on three (3) or more sides;

(4) Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with California Building Code Section 706.

2. In determining whether an automatic fire sprinkler system is required, the following criteria shall be used:

(a) Determine the Building Area as defined by the California Building Code.

**Exception:** Eave projections 24 inches or less shall not be counted.

(b) Multiply the Building Area as determined herein by the number of stories. A full basement shall be counted as a story and the floor area of mezzanine(s) shall be added to the Building Area of the story in which they are located.

(c) For the purposes of determining whether automatic fire sprinklers are required in a building, the installation fire walls will not be considered to create separate buildings.

3. Any change in the character of occupancy or in the use of any building with a Building Area at or over 3,600 square feet which, in the opinion of the fire chief or chief building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety, or increased fire risk, shall require the installation of an approved automatic fire sprinkler system.

(a) For purposes of this section, life safety includes, but is not limited to, increased occupant load, public assembly areas, public meeting areas, churches, indoor

amusement attractions, buildings with complex exiting system due to increased occupant loads, large schools/day-care facilities, large residential care facilities with nonambulatory clients.

(b) For purposes of this section, fire risks include, but is not limited to, high piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flame).

4. For existing nonsprinklered buildings, an approved automatic sprinkler system shall be required when additions meet one of the following criteria:

(a) Additions equal to or greater than 100 percent of the existing square footage.

(b) Additions that increase the total building area to over 4,100 square feet.

**SEC. 8.10.23. Subsection 903.3.1 amended—Standards.**

Subsection 903.3.1 of the California Building Code is amended to read as follows:

**903.3.1. Standards.** Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, unless otherwise permitted by 903.3.1.2 and 903.3.1.3. Sprinkler systems shall also be designed and installed in accordance with the City of Mountain View "Commercial Automatic Fire Sprinklers Requirements" and "Residential Automatic Fire Sprinklers Requirements."

**SEC. 8.10.24. Subsection 905.3 amended—Standpipe systems.**

Subsection 905.3 of the California Building Code is amended to read as follows:

**905.3. Required installations.** Standpipe systems shall be installed where required by Subsections 905.3.1 through 905.3.11.1 and in the locations indicated in Subsections 905.4, 905.5, and 905.6. Standpipe systems are required to be combined with automatic sprinkler systems.

**Exception:** Standpipe systems are not required in Group R-3 Occupancies.

**SEC. 8.10.25. Section 905.3.1 amended—Height.**

Section 905.3.1 of the California Fire Code is amended to read as follows:

**905.3.1. Height.** Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than twenty (20) feet above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than twenty (20) feet below the highest level of fire department vehicular access.

**Exceptions:**

1. Class I wet standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

2. Class I wet standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet above the lowest level of fire department vehicle access.

3. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided the hose connections are located as required for Class II standpipes in accordance with Section 905.5.

4. Class I wet standpipes are allowed in basements equipped throughout with an automatic sprinkler system.

5. In determining the lowest level of fire department vehicular access, it shall not be required to consider:

5.1 Recessed loading docks for four (4) vehicles or less; and

5.2 Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.

**SEC. 8.10.26. Subsection 905.3.5 amended—Underground buildings.**

Subsection 905.3.5 of the California Building Code is amended to read as follows:

**905.3.5. Underground Buildings and Parking Structures.** Underground buildings and parking structures shall be equipped throughout with a Class I automatic wet standpipe system.

**SEC. 8.10.27. Section 905.4 amended—Location of Class I Standpipe Hose Connections.**

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

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

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

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

**Exception:** Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

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

**Exception:** Where the floor areas adjacent to an exit passageway are reachable from exit stairway hose connections by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

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

5. Where the roof has a slope less than four (4) units vertical in twelve (12) units horizontal, a hose connection shall be located to serve the roof or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1009.16.

6. Where the most remote portion of a sprinklered or nonsprinklered floor or story is more than 150 feet from a hose connection, additional Class I standpipe hose connections shall be provided within 150 feet of all areas. The distance from a hose connection shall be measured along the path of travel.

**SEC. 8.10.28. Subsection [F] 907.6 amended—Installation.**

Section [F] 907.6 of the California Building Code is amended to read as follows:

**[F] 907.6—Installation.** A fire alarm system shall be installed in accordance with 907.6.1 through 907.6.5.2, National Fire Protection Agency (NFPA) 72 and the City of Mountain View "Fire Alarm and Sprinkler Monitoring System Requirements."

**SEC. 8.10.29. Section 1008.1.9.11 amended—Stairway doors.**

Section 1008.1.9.11 of the California Fire Code is amended, to read as follows:

**1008.1.9.11. Stairway doors.** Interior stairway means of egress doors shall be openable from both sides without the use of a key or special knowledge or effort.

**Exceptions:**

1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.

2. This section shall not apply to doors arranged in accordance with Section 403.5.3 of the International Building Code.

3. In stairways serving not more than six (6) stories, in buildings not otherwise classified as a high-rise building in accordance with California Building Code, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

4. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group B, F, M and S occupancies where the only interior access to the tenant space is from a single exit stair where permitted in Section 1021.2.

5. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group R-2 occupancies where the only interior access to the dwelling unit is from a single exit stair where permitted in Section 1021.2.

**SEC. 8.10.30. Subsection 1705.3, Exception 1 amended—Concreted construction.**

Section 1705.3, Exception 1 of the California Building Code is amended to read as follows:

**1705.3 Concrete construction.** The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

**Exception:** Special inspections shall not be required for:

1. Isolated spread concrete footings of buildings three (3) stories or less above grade plane that are fully supported on earth or rock, where the structural design of the

footing is based on a specified compressive strength,  $f'_c$ , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).

**SEC. 8.10.31. Subsection 1905.1.8 amended—ACI 318, Section 22.10.**

Subsection 1905.1.8 of the California Building Code is amended to read as follows:

**1905.1.8. ACI 318, Section 22.10.**

22.10. Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

22.10.1. Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

a. Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

**Exception:** In detached one- and two-family dwelling three (3) stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

b. Plain concrete footing supporting walls are permitted, provided the footings have at least two (2) continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one (1) bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

**Exception:** In detached one- and two-family dwellings three (3) stories or less in height and constructed with stud bearing walls, plain concrete footings with at least two (2) continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

**SEC. 8.10.32. Subsection 2308.9.3 amended—Conventional construction provisions—Bracing.**

Section 2308.9.3 of the California Building Code is amended to read as follows:

**2308.9.3. Bracing.** Braced wall lines shall consist of braced wall panels that meet the requirements for location, type and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1), and are in line or offset from each other by not more than 4 feet (1,219 mm). Braced wall panels shall start not more than 12-1/2 feet (3,810 mm) from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:

1. Deleted.
2. Deleted.
3. Wood structural panel sheathing with a thickness not less than 5/16 inch (7.9 mm) for 16-inch (406 mm) stud spacing and not less than 3/8 inch (9.5 mm) for 24-inch (610 mm) stud spacing in accordance with Tables 23-II-A-1 and 23-IV-D-1.

4. Fiberboard sheathing 4-foot by 8-foot (1,219 mm by 2,438 mm) panels not less than 1/2 inch (13 mm) thick applied vertically on studs spaced not over 16 inches (406 mm) on center when installed in accordance with Section 2315.6 and Table 23-II-J.

5. Deleted.

6. Deleted.

7. Portland cement plaster on studs 16 inches (406 mm) on center installed in accordance with Table 25-I. These standards can only be used in one-story structures of R3 and U1 occupancies.

8. Hardboard panel siding where installed in accordance with Section 2303.1.6 and Table 2308.9.3(5).

For cripple wall bracing, see Section 2308.9.4.1. For Methods 3, 4, 7 and 8, each panel must be at least 48 inches (1,219 mm) in length, covering three (3) stud spaces where studs are spaced 16 inches (406 mm) apart and covering two (2) stud spaces where studs are spaced 24 inches (610 mm) apart.

**SEC. 8.10.33. Section 2505 deleted—Shear wall construction.**

Section 2505 is deleted from the California Building Code, entitled Shear Wall Construction.

**SEC. 8.10.34. Subsection 3310.1 amended—Means of egress.**

Subsection 3310.1 of the California Building Code is amended to read as follows:

**3310.1. Stairways Required.** Each level above the first story in new multi-story buildings that require two (2) exit stairways shall be provided with at least two (2) usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

**Exception:** For multi-story buildings, one of the required exit stairs may be obstructed on not more than two (2) contiguous floor levels for the purpose of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.)."

Section 7. Article I, Division II, is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"DIVISION II. CALIFORNIA RESIDENTIAL CODE.**

**SEC. 8.15.1. California Residential Code adopted—Short title.**

The California Residential Code, 2013 edition, incorporates, by adoption, the 2012 edition of the International Residential Code of the International Code Council with California amendments. The 2012 International Residential Code, promulgated by the International Code Council, which regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and other structures is adopted, including the following appendices: Appendix Chapter H and Appendix Chapter G, and by this reference is made a part of this city code with the same force and effect as though set out herein in full. One (1) copy of the 2013 California Residential Code is on file and open to public inspection in the building inspection office.

**SEC. 8.15.2. Chapter 1 deleted—Scope and administration.**

Chapter 1, Division I and Division II, is deleted from the California Residential Code.

**SEC. 8.15.3. Table R301.2(1) amended—Climatic and geographic design criteria.**

Table R301.2(1) of the 2013 California Residential Code is amended to read as follows:

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

GROUND SNOW LOAD	WIND DESIGN			SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>n</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>a</sup>	FLOOD HAZARDS <sup>e</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>m</sup>
	Speed <sup>d</sup> (mph)	Topographic Effects <sup>k</sup>	SEISMIC DESIGN CATEGORY <sup>f</sup>	Weathering <sup>g</sup>	Frost Line Depth <sup>b</sup>	Termite <sup>c</sup>					
0	85	NO	D <sub>2</sub>	Negligible	0			NO		0	55

**SEC. 8.15.4. Subsection R313.1 added—Townhouse automatic sprinkler systems.**

Subsection R313.1 of the California Residential Code is added, to read as follows:

**R313.1. Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in new townhouses.

**Exception No. 1:** For existing nonsprinklered townhouses, an approved automatic residential fire sprinkler system shall be required when additions meet one of the following criteria:

- a. Additions equal to or greater than 100 percent of the existing square footage.
- b. Additions that increase the total building area to over 4,100 square feet.

**Exception No. 2:** An automatic residential fire sprinkler system shall not be required for alterations made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

**Exception No. 3:** Group S-2 or U occupancies used exclusively for vehicle parking and meeting all of the following conditions:

1. Noncombustible construction;
2. Maximum building area not to exceed 5,000 square feet;
3. Structure is open on three (3) or more sides;
4. Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with California Building Code Section 706.

**SEC. 8.15.5. Subsection R313.2 added—One- and two-family dwellings automatic sprinkler systems.**

Subsection R313.2 of the California Residential Code is added, to read as follows:

**R313.2. One- and two-family dwelling automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in new one- and two-family dwellings.

**Exception No. 1:** For existing nonsprinklered one- and two-family dwellings, an approved automatic residential fire sprinkler system shall be required when additions meet one of the following criteria:

- a. Additions equal to or greater than 100 percent of the existing square footage.
- b. Additions that increase the total building area to over 4,100 square feet.

**Exception No. 2:** An automatic residential fire sprinkler system shall not be required for alterations made to existing one- and two-family dwellings that do not have an automatic residential fire sprinkler system installed.

**Exception No. 3:** Group S-2 or U occupancies used exclusively for vehicle parking and meeting all of the following conditions:

1. Noncombustible construction;
2. Maximum building area not to exceed 5,000 square feet;
3. Structure is open on three (3) or more sides;
4. Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with California Building Code Section 706.

**SEC. 8.15.6. Subsection R403.1.3 amended—Seismic reinforcing.**

Subsection R403.1.3, Seismic Reinforcing, is amended to read as follows:

**R403.1.3. Seismic reinforcing.**

Concrete footings located in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, as established in Table R301.2(1), shall have minimum reinforcement of at least two (2) continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> where a construction joint is created between a concrete footing and a stem wall, a minimum of one (1) No. 4 bar shall be installed at not more than 4 feet (1,219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook, and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub> where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one (1) No. 4 bar shall be installed at not more than 4 feet (1,219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, masonry stem walls without solid grout and vertical reinforcing are not permitted.

**Exception:** In detached one- and two-family dwellings which are three (3) stories or less in height and constructed with stud bearing walls, isolated plain concrete footings, supporting columns or pedestals are permitted.

**SEC. 8.15.7. Table R602.10.3(3) amended—Bracing requirements based on seismic design category.**

Table R602.10.3(3) of the California Residential Code is amended to read as follows:

Add footnote "e" notation to Table heading as follows:

**TABLE R602.10.1.2(2)<sup>a, b, c, d, e</sup>**

Add footnote "e" wording to the end of Table R602.10.3.3, to read as follows:

<sup>e</sup> In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, Method GB is not permitted and the use of Method PCP is limited to one-story, single-family dwellings and accessory structures.

**SEC. 8.15.8. Subsection R602.10.4.4 added—Limits on Methods GB and PCP.**

Subsection R602.10.4.4 is added to the California Residential Code, to read as follows:

**R602.10.4.4. Limits on Methods GB and PCP.** In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub> and D<sub>2</sub>, the use of Method PCP is limited to one-story, single-family dwellings and accessory structures."

Section 8. Article I, Division III, is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"DIVISION III. GREEN BUILDING CODE.**

**SEC. 8.20.1. California Green Building Standards Code—Adopted.**

The California Green Building Standards Code, 2013 edition, which regulates the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction for all new construction. One (1) copy of the California Green Building Standards Code, including the Mountain View amendments, is on file and open to public inspection in the building inspection office.

**SEC. 8.20.2. Subsection 101.1—Amended—Title.**

Subsection 101.1 of the 2013 California Green Building Standards Code is amended to read as follows:

**101.1 Title.** These regulations shall be known as the Mountain View Green Building Code and may be cited as such and will be referred to herein as "this code." The Mountain View Green Building Code is an amendment to Parts 11 of 12 of the official compilation and publication of the adoption, amendment and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code.

**SEC. 8.20.3. Subsection 101.3—Amended.**

Subsection 101.3 of the 2013 California Green Building Standards Code is amended to read as follows:

**101.3 Scope.** The provisions of this code shall apply to the planning, design, operation, construction, use and occupancy of every privately owned, newly constructed building, addition or tenant improvement as regulated in this code throughout the City of Mountain View.

It is not the intent that this code substitute or be identified as meeting the certification requirements of any private, third-party green building program.

**SEC. 8.20.4. Subsection 101.3.2—Added.**

Subsection 101.3.2 is added to the 2013 California Green Building Standards Code to read as follows:

**101.3.2 Exempted projects.** Projects that are exempted from complying with the Mountain View Green Building Code are:

1. Accessory structures;
2. Registered or eligible to be registered local, state or federal historic structures;
3. Natural disaster repairs;
4. Temporary structures;
5. Residential interior alterations (i.e., remodels) which do not increase the conditioned area, volume or size; and
6. Nonresidential tenant improvements with a construction valuation less than two hundred thousand dollars (\$200,000).

**SEC. 8.20.5. Subsection 101.10—Amended.**

Subsection 101.10 of the 2013 California Green Building Standards Code is amended to read as follows:

**101.10 Mandatory requirements.** This code contains the minimum mandatory green building measures required by the City of Mountain View. All new structures in the City of Mountain View must comply with the mandatory measures of the 2013 California Green Building Standards Code as adopted by the state in addition to local amendments included in this code. This includes all residential new construction projects regardless of height or number of stories.

**SEC. 8.20.6. Subsection 101.10.1—Added.**

Subsection 101.10.1 is added to the 2013 California Green Building Standards Code to read as follows:

**101.10.1 Project types.** Table 101.10, Mandatory Green Building Requirements, details the project types that are required to comply with this code.

**SEC. 8.20.7. Subsection 101.10.1.1—Added.**

Subsection 101.10.1.1 is added to the 2013 California Green Building Standards Code to read as follows:

**101.10.1.1 Residential projects.** All residential projects (single-family and multi-family) regulated by this code must comply with Mountain View's green building requirements as listed below.

**SEC. 8.20.8. Subsection 101.10.1.1.2—Added.**

Subsection 101.10.1.1.2 is added to the 2013 California Green Building Standards Code to read as follows:

**101.10.1.1.2 Residential new construction—Less than five (5) units.** All residential new construction less than five (5) units must comply with the following:

- a. The mandatory measures of the 2013 California Green Building Standards Code and any Mountain View amendments; and
- b. Demonstrate energy compliance to meet or exceed Title 24, Part 6.

**SEC. 8.20.9. Subsection 101.10.1.1.3—Added.**

Subsection 101.10.1.1.3 is added to the 2013 California Green Building Standards Code to read as follows:

**101.10.1.1.3 Residential new construction—Five (5) units or more.** All residential new construction with five (5) units or more must comply with the following:

- a. The mandatory measures of the 2013 California Green Building Standards Code and any Mountain View amendments.
- b. Meet the intent of seventy (70) GreenPoint Rated points.
- c. Demonstrate energy compliance to meet or exceed Title 24, Part 6.

**SEC. 8.20.10. Subsection 101.10.1.2—Added.**

Subsection 101.10.1.2 is added to the 2013 California Green Building Standards Code to read as follows:

**101.10.1.2. Nonresidential projects.** All nonresidential projects regulated by this code must comply with Mountain View's green building requirements as listed below.

**SEC. 8.20.11. Subsection 101.10.1.2.2—Added.**

Subsection 101.10.1.2.2 is added to the 2013 California Green Building Standards Code to read as follows:

**101.10.1.2.2. Nonresidential new construction—Less than 5,000 square feet.** All nonresidential new construction less than 5,000 square feet (gross) must comply with the following:

- a. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments; and
- b. Demonstrate energy compliance to meet or exceed Title 24, Part 6.

**SEC. 8.20.12. Subsection 101.10.1.2.3—Added.**

Subsection 101.10.1.2.3 is added to the 2013 California Green Building Standards Code to read as follows:

**101.10.1.2.3. Nonresidential new construction—5,000 through 25,000 square feet.** All nonresidential new construction of 5,000 through 25,000 square feet (gross) must comply with the following:

- a. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments;
- b. Meet the intent of LEED® certified; and
- c. Demonstrate energy compliance to meet or exceed Title 24, Part 6.

**SEC. 8.20.13. Subsection 101.10.1.2.4—Added.**

Subsection 101.10.1.2.4 is added to the 2013 California Green Building Standards Code to read as follows:

**101.10.1.2.4 Nonresidential new construction—Greater than 25,000 square feet.** All nonresidential new construction greater than 25,000 square feet (gross) must comply with the following:

- a. Meet the mandatory measures of the California Green Building Standards Code and any Mountain View amendments;
- b. Meet the intent of LEED® Silver certified; and
- c. Demonstrate energy compliance to meet or exceed Title 24, Part 6.

**SEC. 8.20.14. Subsection 101.10.1.3—Added.**

Subsection 101.10.1.3 is added to the 2013 California Green Building Standards Code to read as follows:

**101.10.1.3 Mixed-use projects.** All new mixed-use construction projects must comply with Mountain View's green building requirements and meet the requirements applicable to each primary occupancy component. See Table 101.10 for mixed-use project types that apply.

**SEC. 8.20.15. Table 101.10—Added.**

Table 101.10 is added to the 2013 California Green Building Standards Code to read as follows:

**Table 101.10 Mandatory Green Building Requirements**

<u>Project Type</u>	<u>Energy Requirement</u>	<u>Green Building Standard and Requirement</u>
<b><u>New Construction</u></b>		
New Residential < 5 units	Title 24, Part 6	Mandatory CALGreen Requirements
New Residential > 5 units	Title 24, Part 6	Meet the intent of 70 GreenPoint Rated points and Mandatory CALGreen Requirements
<b><u>Additions and Alterations</u></b>		
Additions and Alterations	Title 24, Part 6	Mandatory CALGreen Requirements
<b><u>New Construction</u></b>		
New Residential < 5 units and New Nonresidential Use < 25,000 square feet	Title 24, Part 6 for Residential and Nonresidential	Residential and Nonresidential criteria as applicable to each component of the project.
New Residential > 5 units and New Nonresidential Use ≥25,000 square feet	Title 24, Part 6 for Residential and Nonresidential	
<b><u>New Construction</u></b>		
New Nonresidential Buildings < 5,000 square feet	Title 24, Part 6	Mandatory CALGreen Requirements
New Nonresidential Buildings 5,000 to 25,000 square feet	Title 24, Part 6	Meet the intent of LEED® Certified and Mandatory CALGreen Requirements
New Nonresidential Buildings > 25,000 square feet	Title 24, Part 6	Meet the intent of LEED® Silver and Mandatory CALGreen Requirements
<b><u>Tenant Improvements</u></b>		
Building additions of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or above	Title 24, Part 6	Mandatory CALGreen Requirements

**SEC. 8.20.16. Subsection 101.10.2—Added.**

Subsection 101.10.2 is added to the 2013 California Green Building Standards Code to read as follows:

**101.10.2 Alternate green building standards.** If an applicant proposes to use an alternate green building standard not included in this code, they must demonstrate that the alternate standard is, at minimum, equivalent to the referenced standard in terms of criteria, scope, and certification process. The chief building official must approve the alternate standard prior to issuing a building permit.

**SEC. 8.20.17. Subsection 101.10.3—Added.**

Subsection 101.10.3 is added to the 2013 California Green Building Standards Code to read as follows:

**101.10.3 Certification.** The city does not require projects to be certified by a third-party green building organization unless certification is a condition of approval for a zoning permit. Applicants must demonstrate the project meets the intent of the required standard through documentation and verification consistent with the criteria and documentation process of the respective green building rating system. This includes meeting all mandatory prerequisites and minimum point totals of each category, if required by the rating system.

**SEC. 8.20.18. Subsection 101.11—Amended.**

Subsection 101.11 of the 2013 California Green Building Standards Code is amended to read as follows:

**101.11 Effective use of this code.** The following steps shall be used to establish which provisions of this code are applicable to a specific occupancy:

1. Establish the type of occupancy.
2. Verify which state agency has authority for the established occupancy by reviewing the authorities list in Sections 103 through 106.
3. Once the appropriate agency has been identified, find the chapter which covers the established occupancy.
4. The Matrix Adoption Tables at the beginning of Chapters 4 and 5 identify the mandatory green building measures necessary to meet the minimum requirements of this code for the established occupancy. Occupancies regulated by this code must also comply with the green building requirements included in Chapter 1.
5. Voluntary tier measures are contained in Appendix Chapters A4 and A5. A checklist containing each green building measure, both required and voluntary, is provided at the end of each appendix chapter. Each measure listed in the application checklist has a section number which correlates to a section where more information about the specific measure is available.
6. The application checklist identifies which measures are required by this code and allows users to check off which voluntary items have been selected to meet voluntary tier levels if desired or mandated by a city, county, or city and county.

**SEC. 8.20.19. Subsection 102.1—Amended.**

Subsection 102.1 of the 2013 California Green Building Standards Code is amended to read as follows:

**102.1 Submittal documents.** Construction documents and other data shall be submitted in one (1) or more sets with each application for a permit. Where special conditions exist, the city is authorized to require additional construction documents to be prepared by the applicant or a licensed design professional, depending on the size of the project (see Section 102.4 for details) and may be submitted separately.

When submitting for building permits for a project regulated by this code, the applicant shall submit the following materials:

1. The appropriate completed green building checklist;
2. Project construction documentation (plans and specifications) that verifies incorporation of the design and construction-related credits;
3. A letter of acknowledgement from the applicant, licensed professional or qualified green building professional indicating the project has been designed to achieve the sustainability standards defined in this code and in accordance with the approved green building checklist. The letter shall indicate the number of points the project has been designed to achieve;
4. Any additional documentation such as maps, calculations or product information that would be required by U.S. Green Building Council's Green Building Certification Institute for LEED® certification or by Build It Green for GreenPoint Rated certification; and
5. Any additional information believed to be relevant by the city in determining that a good-faith effort has been made to comply with this code.

**Exception:** The enforcing agency is authorized to waive the submission of construction documents and other data not required to be prepared by a licensed design professional.

**SEC. 8.20.20. Subsection 102.2—Amended.**

Subsection 102.2 of the 2013 California Green Building Standards Code is amended to read as follows:

**102.2 Information on construction documents.** Construction documents shall be of sufficient clarity to indicate the location, nature and scope of the proposed green building feature and show that it will conform to the provisions of this code, the California Building Standards Code and other relevant laws, ordinances, rules and regulations as determined by the city.

**SEC. 8.20.21. Subsection 102.3—Amended.**

Subsection 102.3 of the 2013 California Green Building Standards Code is amended to read as follows:

**102.3 Hardship or infeasibility exemption.** If an applicant believes circumstances exist that make it a hardship or infeasible to meet the requirements of this code, the applicant may request an exemption. The applicant must still comply with the mandatory measures of the California Green Building Code and can only receive an exemption from the Mountain View amendments to the code. In applying for an exemption, the burden is on the applicant to show hardship or infeasibility. An exemption will only be granted in unusual circumstances where, due to exceptional characteristics of the structure or property involved, a literal enforcement of this code will result in practical difficulties or unnecessary hardships, provided that no such exception will be contrary to the intent of this code.

**SEC. 8.20.22. Subsection 102.3.1—Added.**

Subsection 102.3.1 is added to the 2013 California Green Building Standards Code to read as follows:

**102.3.1 Proof of hardship or infeasibility.** The applicant shall submit a letter indicating the maximum threshold of compliance that is feasible for the project and the circumstances that create a hardship or make it infeasible to comply fully with this code.

**SEC. 8.20.23. Subsection 102.3.2—Added.**

Subsection 102.3.2 is added to the 2013 California Green Building Standards Code to read as follows:

**102.3.2 Approval or denial of exemption.** The chief building official will determine if it is infeasible for the project to comply fully with this code and approve an alternative requirement. This alternative requirement can be the amount of green building measures required. For all approved exemptions, the project must continue to comply with the minimum requirements of the 2013 Building Energy Efficiency Standards (Title 24, Part 6) and the mandatory measures of the 2013 California Green Building Standards Code. The applicant will be notified of the final decision by the chief building official.

**SEC. 8.20.24. Subsection 102.4—Added.**

Subsection 102.4 is added to the 2013 California Green Building Standards Code to read as follows:

**102.4 Verification.** Documentation of conformance for applicable green building measures shall be provided to the city. Alternate methods of documentation shall be acceptable when the city finds that the proposed alternate documentation is satisfactory to demonstrate substantial conformance with the intent of the proposed green building measure.

**SEC. 8.20.25. Subsection 102.4.1—Added.**

Subsection 102.4.1 is added to the 2013 California Green Building Standards Code to read as follows:

**102.4.1 Self-verification.** The burden of proving compliance with this code is on the applicant. The verification professional must provide evidence of adequate green building compliance or documentation to the building division to satisfy the requirements of this code.

**SEC. 8.20.26. Subsection 102.4.1.1—Added.**

Subsection 102.4.1.1 is added to the 2013 California Green Building Standards Code to read as follows:

**102.4.1.1 Verification professional.** The applicant or industry professional filing on behalf of the applicant must be the individual who verifies the project complies with the requirements of this code.

1. For residential additions and nonresidential tenant improvements regulated by this code, this individual can be a licensed industry professional, an authorized tenant or the property owner.

2. For all nonresidential and residential new construction projects regulated by this code, this individual must be a qualified green building professional with an industry license, such as an architect or contractor, or a professional with similar qualifications acceptable to the chief building official.

**SEC. 8.20.27. Subsection 102.4.2—Added.**

Subsection 102.4.2 is added to the 2013 California Green Building Standards Code to read as follows:

**102.4.2 Noncompliance.** If, as a result of any inspection, the city determines the project does not or is unlikely to comply with the approved plans or green building program, a stop work order shall be issued if the inspector determines that continuation of construction activities will lessen the project's ability to meet the required compliance threshold. The stop work order shall remain in effect until the chief building official determines the project will be brought into compliance with the approved plans and/or verification documents.

**SEC. 8.20.28. Section 202—Amended.**

Section 202 of the 2013 California Green Building Standards Code is amended to add the following definitions:

**ADDITION.** New construction square footage added to an existing structure.

**ALTERNATE GREEN BUILDING STANDARD.** A private, third-party green building rating system not explicitly referenced in this code that achieves green building goals through a comprehensive checklist of requirements. To use an alternate standard, the applicant must prove it is at least equivalent to the referenced green building standard.

**APPLICANT.** Any entity or any subsequent owner of the site that applies to the city for the applicable permits to undertake any project types regulated by this code.

**AREA OF IMPROVEMENT.** The area (in square feet) where interior building improvements are proposed. Such improvements can include, but are not limited to, painting, installing carpet or flooring, and replacing or upgrading mechanical, electrical, or plumbing systems.

**CITY.** City means the City of Mountain View.

**ENFORCING AGENCY.** The community development department in the City of Mountain View as specified by this code.

**GREEN POINT RATED (GPR).** Refers to a residential green building rating system developed by Build It Green. Projects can use any of the adopted GPR checklists that most appropriately apply to the project type proposed.

**GREEN BUILDING CERTIFICATION INSTITUTE (GBCI™).** Oversees and administers the building certifications and professional designations for the U.S. Green Building Council's LEED® Green Building Rating Systems™.

**LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED®).** Refers to a green building rating system developed by the U.S. Green Building Council for residential and nonresidential projects. Projects can use any of the adopted LEED® checklists that most appropriately apply to the project type proposed.

**MEET THE INTENT.** To demonstrate compliance with the green building requirements of LEED® or GPR without formally submitting documentation to the U.S. Green Building Council's Green Building Certification Institute or Build It Green for verification and certification. The applicant must follow the approaches and procedures in the guidebook or reference guides for respective rating systems and submit the required documentation and verification materials as outlined in Section 102 of this code to the community development department. This includes meeting all mandatory prerequisites and minimum point totals of each category, if required per the rating system.

**MIXED-USE.** The construction of a building or buildings that include both commercial and residential uses.

**NONRESIDENTIAL BUILDING.** Any building constructed or occupied for a use other than residential, which may include, but is not limited to, commercial or hotel uses.

**PROJECT.** Any proposed development that is regulated by this code.

**QUALIFIED GREEN BUILDING PROFESSIONAL.** A licensed professional, such as an architect or contractor, trained through the Green Building Certification Institute as a LEED AP® or through Build It Green as a certified green building professional, or similar qualifications if acceptable to the chief building official.

**SELF-VERIFICATION.** Verification by the applicant or a qualified green building professional that the project has met the standards as indicated for the project type set forth in this code.

**SQUARE FEET (GROSS).** The gross square footage of a structure includes all floor area enclosed within the walls of the structure (measured from the outside perimeter of the wall).

**TENANT IMPROVEMENTS.** Any owner or authorized agent who intends to enlarge, alter, or change the occupancy of a building or structure, or to erect, enlarge, alter, or convert any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the California Building Code, or to cause any such work to be done, shall obtain the required permit and must comply with the requirements included in this code.

**ZONING PERMIT.** Any discretionary permit approval from the planning division that includes conditions of approval.

**SEC. 8.20.29. Subsection 303.1.1.—Amended.**

Subsection 303.1.1 of the 2013 California Green Building Standards Code is amended to read as follows:

**303.1.1 Tenant improvements.** The provisions of this code shall apply to the applicable tenant or occupant improvements to a project.

**SEC. 8.20.30. Subsection 4.106.2.—Amended.**

Subsection 4.106.2 of the 2013 California Green Building Standards Code is amended to read as follows:

**4.106.2 Stormwater drainage and retention during construction.** Projects which disturb less than one (1) acre of soil and are not part of a larger common plan of

development which in total disturbs one (1) acre or more, shall manage stormwater drainage during construction. In order to manage stormwater drainage during construction, one or more of the following measures shall be implemented to prevent flooding of adjacent property, prevent erosion, and retain soil runoff on the site.

1. Retention basins of sufficient size shall be utilized to retain stormwater on the site.
2. Where stormwater is conveyed to a public drainage system, collection point, gutter or similar disposal method, water shall be filtered by use of a barrier system, wattle or other method approved by the enforcing agency.
3. Stormwater pollutant control measures must be installed at construction sites year round, in compliance with Section 35.32.10.1(T) of the Mountain View City Code. The stormwater pollutant control measures listed in the ordinance include erosion control, run-on and runoff control, sediment control, active treatment (as appropriate), good site management, and nonstormwater management through all phases of construction until the site is fully stabilized by landscaping or the installation of permanent erosion control measures.

**SEC. 8.20.31. Subsection 4.304.1—Amended.**

Subsection 4.304.1 of the 2013 California Green Building Standards Code is amended to read as follows:

**4.304.1 Compliance with local water-efficient landscape ordinance.** Projects with landscape areas of one thousand (1,000) square feet or greater must comply with the City of Mountain View's Water Conservation in Landscaping Regulations, pursuant to Chapter 36, Article XII-A, Division A36.32 of the city code. Projects with landscape areas of less than one thousand (1,000) square feet must comply with the requirements of Section 4.304.2 of this code.

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.
2. Weather- and soil moisture-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s).

**Note:** More information regarding irrigation controller function and specifications is available from the irrigation association.

**SEC. 8.20.32. Subsection 4.408.1—Amended.**

Subsection 4.408.1 of the 2013 California Green Building Standards Code is amended to read as follows:

**4.408.1 Compliance with local construction and demolition debris diversion program.** Projects adding or constructing five thousand (5,000) square feet or more of new floor area must comply with the City of Mountain View's Construction and Demolition Debris Ordinance, pursuant to Chapter 16, Article III of the city code. Projects adding or constructing five thousand (5,000) square feet or less of new floor area, if subject to this code, must comply with the requirements of Section 4.408 of this code.

**SEC. 8.20.33. Subsection 4.408.1.1—Added.**

Subsection 4.408.1.1 is added to the 2013 California Green Building Standards Code to read as follows:

**4.408.1.1 Construction waste reduction of at least fifty (50) percent.** Recycle and/or salvage for reuse a minimum of fifty (50) percent of the nonhazardous construction and demolition debris, or meet a local construction and demolition waste management ordinance, whichever is more stringent.

**Exceptions:**

1. Excavated soil and land-clearing debris.
2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the job site.

**SEC. 8.20.34. Subsection 4.408.3—Added.**

Subsection 4.408.3 is added to the 2013 California Green Building Standards Code to read as follows:

**4.408.3 Excavated soil and land clearing debris.** One hundred (100) percent of trees, stumps, rocks, and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on-site until the storage site is developed.

**SEC. 8.20.35. Subsection 4.410.2—Added.**

Subsection 4.410.2 is added to the 2013 California Green Building Standards Code to read as follows:

**4.410.2 Recycling by occupants.** Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics and metals.

**SEC. 8.20.36. Subsection 4.410.2.1—Added.**

Subsection 4.410.2.1 is added to the 2013 California Green Building Standards Code to read as follows:

**4.410.2.1 Sample ordinance.** Space allocation for recycling areas shall comply with Chapter 18, Part 3, Division 30 of the Public Resources Code. Chapter 18 is known as the California Solid Waste Reuse and Recycling Access Act of 1991 (Act).

**SEC. 8.20.37. Subsection 4.503.1—Amended.**

Subsection 4.503.1 of the 2013 California Green Building Standards Code is amended to read as follows:

**4.503.1 General.** Any installed gas fireplace shall be a direct-vent, sealed-combustion type. Any installed wood stove or pellet stove shall comply with U.S. EPA Phase II emission limits where applicable. Wood stoves, pellet stoves and fireplaces shall also comply with applicable local ordinances. Mountain View City Code Chapter 8, Article 1, Division IV shall be referenced for wood-burning appliances.

**SEC. 8.20.38. Subsection 4.504.2.4—Amended.**

Subsection 4.504.2.4 of the 2013 California Green Building Standards Code is amended to read as follows:

**4.504.2.4 Verification.** Verification of compliance with this section shall be provided at the request of the City of Mountain View. Documentation may include, but is not limited to, the following:

1. Manufacturer's product specification.
2. Field verification of on-site product containers.

**SEC. 8.20.39. Subsection 5.106.1—Amended.**

Subsection 5.106.1 of the 2013 California Green Building Standards Code is amended to read as follows:

**5.106.1 Stormwater sediment and erosion control plan.** For newly constructed projects of less than one (1) acre, develop and implement a stormwater sediment and erosion control plan that has been designed specific to its site. The stormwater sediment and erosion control plan shall be developed to provide equivalent protection to projects regulated by the state stormwater NPDES construction permit (greater than one (1) acre of disturbed land), and Section 35.32.10.1(T) in accordance with the Mountain View City Code. The stormwater pollutant control measures that shall be included in the plan are erosion control, run-on and runoff control, sediment control, advanced treatment (as appropriate), good site management and nonstormwater management through all phases of construction until it is fully stabilized by landscaping or the installation of permanent erosion control measures.

**Note:** No state permit is required, but construction best management practices (BMP) as approved by the City of Mountain View shall be followed. BMP include, but are not limited to, the following:

1. Erosion and sediment control BMP:
  - a. Scheduling construction activity;
  - b. Preservation of natural features, vegetation and soil;
  - c. Drainage swales or lined ditches to control stormwater flow;
  - d. Mulching or hydroseeding to stabilize soils;
  - e. Erosion control covers to protect slopes;
  - f. Protection of storm drain inlets (gravel bags or catch basin inserts);
  - g. Perimeter sediment control (perimeter silt fence, fiber rolls);
  - h. Sediment trap or sediment basin to retain sediment on-site;
  - i. Stabilized construction exits;
  - j. Wind erosion control.

2. Housekeeping BMP:
  - a. Material handling and waste management;
  - b. Building materials stockpile management;
  - c. Management of washout areas (concrete, paints, stucco, etc.);
  - d. Control of vehicle/equipment fueling to contractor's staging area;
  - e. Vehicle and equipment cleaning performed off-site;
  - f. Spill prevention and control.

**SEC. 8.20.40. Subsection 5.302.1—Amended.**

Subsection 5.302.1 of the 2013 California Green Building Standards Code is amended to add the following definition:

**NEW WATER SERVICE.** A site that has not been connected to the city's water distribution system as determined by the public works department.

**SEC. 8.20.41. Subsection 5.304.1—Amended.**

Subsection 5.304.1 of the 2013 California Green Building Standards Code is amended to read as follows:

**5.304.1 Compliance with Local Water-Efficient Landscape Ordinance.** Projects with landscape areas of one thousand (1,000) square feet or greater must comply with the city's Water Conservation in Landscaping Regulations, pursuant to Chapter 36, Article XII-A, Division A36.32 of the city code. Projects with landscape areas of less than one thousand (1,000) square feet must comply with the requirements of Section 5.304.

**SEC. 8.20.42. Subsection 5.304.2—Amended.**

Subsection 5.304.2 of the 2013 California Green Building Standards Code is amended to read as follows:

**5.304.2 Water budget.** A water budget shall be developed for landscape irrigation use that conforms to the Local Water-Efficient Landscape Ordinance or to the California Department of Water Resources Model Water-Efficient Landscape Ordinance where no local ordinance is applicable.

**SEC. 8.20.43. Subsection 5.304.3—Amended.**

Subsection 5.304.3 of the 2013 California Green Building Standards Code is amended to read as follows:

**5.304.3 Outdoor potable water use.** For new water service for landscaped areas between one thousand (1,000) square feet and five thousand (5,000) square feet (the level at which Water Code Section 535 applies), separate meters or submeters shall be installed for indoor and outdoor potable water use.

**SEC. 8.20.44. Subsection 5.304.4—Amended.**

Subsection 5.304.4 of the 2013 California Green Building Standards Code is amended to read as follows:

**5.304.4 Irrigation design.** In new nonresidential construction with between one thousand (1,000) and two thousand five hundred (2,500) square feet of landscaped area (the level at which the Model Water-Efficient Landscape Ordinance (MLO) applies), install irrigation controllers and sensors which include the following criteria and meet manufacturer's recommendations.

**SEC. 8.20.45. Subsection 5.304.4.1—Amended.**

Subsection 5.304.4.1 of the 2013 California Green Building Standards Code is amended to read as follows:

**5.304.4.1 Irrigation controllers.** Automatic irrigation system controllers installed at the time of final inspection shall comply with the following:

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.

2. Weather- and soil moisture-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.

**SEC. 8.20.46. Subsection 5.408.1—Amended.**

Subsection 5.408.1 of the 2013 California Green Building Standards Code is amended to read as follows:

**5.408.1 Compliance with local construction and demolition debris diversion program.** Projects adding, constructing or renovating five thousand (5,000) square feet or more of floor area must comply with the City of Mountain View's Construction and Demolition Debris Diversion Ordinance, pursuant to Chapter 16, Article III of the city code. Projects adding or constructing five thousand (5,000) square feet or less of floor area, if subject to this code, must comply with the requirements of Section 5.408 of this code.

**SEC. 8.20.47. Subsection 5.408.1.1—Added.**

Subsection 5.408.1.1 is added to the 2013 California Green Building Standards Code to read as follows:

**5.408.1.1 Construction waste diversion.** Establish a construction waste management plan for the diverted materials, or meet local construction and demolition waste management ordinance, whichever is more stringent.

**SEC. 8.20.48. Subsection 5.503.1—Amended.**

Subsection 5.503.1 of the 2013 California Green Building Standards Code is amended to read as follows:

**5.503.1 General.** Install only a direct-vent sealed-combustion gas or sealed wood-burning fireplace, or a sealed wood stove or pellet stove, and refer to residential requirements in the California Energy Code, Title 24, Part 6, Subchapter 7, Section 150.

Wood stoves, pellet stoves and fireplaces shall comply with applicable local ordinances. Mountain View City Code Chapter 8, Article 1, Division IV shall be referenced for wood-burning appliances.

**SEC. 8.20.49. Subsection 5.504.4.3.2—Amended.**

Subsection 5.504.4.3.2 of the 2013 California Green Building Standards Code is amended to read as follows:

**5.504.4.3.2 Verification.** Verification of compliance with this section shall be provided at the request of the City of Mountain View. Documentation may include, but is not limited to, the following:

1. Manufacturer's product specification.
2. Field verification of on-site product containers."

Section 9. Article II is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"ARTICLE II.  
PLUMBING CODE.**

**SEC. 8.30.1. 2013 California Plumbing Code adopted.**

The California Plumbing Code, 2013 edition, first printing, including Appendices A, D and I, based on the 2012 Uniform Plumbing Code, promulgated by the International Association of Plumbing and Mechanical Officials Association, 4755 East Philadelphia Street, Ontario, California, 91761-2816, which regulates the erection, installation, alteration, repair, relocation, removal, replacement, conversion, use and maintenance of plumbing, gas, drainage systems, and other similar work in order to provide minimum requirements and standards for the protection of the public health, safety and welfare; is adopted and by this reference made a part of this municipal code with the same force and effect as though set out herein in full. One (1) copy of the California Plumbing Code is on file for public inspection in the building inspection office.

**SEC. 8.30.2. Subsection 101.1 amended—Administration.**

Subsection 101.1 of the California Plumbing Code is amended to read as follows:

**101.1. Title.** This document shall be known as the "California Plumbing Code" and may be cited as such and will be refer to herein as "this code." Administrative provisions of the California Plumbing Code are referenced to the California Building Code, Chapter 1, Division II for provisions.

**SEC. 8.30.3. Subsection 103.9 added—Procedure for appeals.**

Subsection 103.9 of the California Plumbing Code is added, to read as follows:

**103.9. Procedure for appeals.** The provisions of Section 8.10.16 of this code are hereby incorporated by reference as if fully set forth herein. When Section 8.10.16 is used in reference to a plumbing code appeal, the term "Plumbing Permit" shall replace the term "Building Permit" in said section."

Section 10. Article III is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"ARTICLE III.  
MECHANICAL CODE.**

**SEC. 8.40.1. California Mechanical Code—Adopted.**

The California Mechanical Code, 2013 edition, first printing, including all Appendices, based on the 2012 Uniform Mechanical Code, promulgated by the International Association of Plumbing and Mechanical Officials, 4755 East Philadelphia Street, Ontario, California, 91761-2816, including all appendices, which regulates and provides complete requirements for the installation and maintenance of heating, ventilating, comfort cooling and refrigeration systems, is adopted and by reference and made a part of this municipal code with the same force and effect as though set out herein in full. One (1) copy of the 2013 California Mechanical Code is on file and open to public inspection in the building inspection office.

**SEC. 8.40.2. Chapter 1, Division II amended—Administration.**

Subsection 101.1 of the California Mechanical Code is amended to read as follows:

**101.1. Title.** This document shall be known as the "California Mechanical Code" and may be cited as such and will be referred to herein as "this code." Administrative provisions of the California Mechanical Code are referenced to the California Building Code, Chapter 1, and Division II for provisions.

**SEC. 8.40.3. Subsection 110.1 amended—General.**

Subsection 110.1 of the California Mechanical Code is amended to read as follows:

**110.1. Procedure for appeals.** The provisions of Section 8.10.16 of this code are hereby incorporated by reference as if fully set forth herein. When Section 8.10.16 is used in reference to a Mechanical Code appeal, the term "Mechanical Permit" shall replace the term "Building Permit" in said section."

Section 11. Article IV is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"ARTICLE IV.  
ELECTRICAL CODE.**

**SEC. 8.50.1. 2013 California Electrical Code—Adopted—Short title.**

The California Electrical Code, 2013 edition, based on the 2012 National Electrical Code, promulgated by the National Fire Protection Association (NFPA), One Batterymarch Park (P.O. Box 9146), Quincy, Massachusetts, 02269-9959, which establishes minimum standards to protect the health, safety and general welfare of the occupant and the public against hazards that may arise from the use of electricity by governing the design, construction, reconstruction, installation, quality of materials, location, operation, and maintenance or use of electrical equipment, wiring and systems, is adopted and by reference made a part of this municipal code with the same force and effect as though set out herein in full. One (1) copy of the 2013 California Electrical Code is on file and open to public inspection in the building inspection office."

**SEC. 8.50.2. Subsection 89.101.1 amended—Title.**

Subsection 89.101.1 of the California Electrical Code is amended to read as follows:

**89.101.1 Title.** This document shall be known as the "California Electrical Code" and may be cited as such and will be referred to herein as "this code." Administrative provisions of the California Electrical Code are referenced to the California Building Code, Chapter 1, and Division II for provisions.

**SEC. 8.50.3. Section 89.108.8 amended—Appeals Board.**

Subsection 89.108.8 of the California Electrical Code is amended to read as follows:

**89.108.8.1. Procedure for appeals.** The provisions of Section 8.10.16 of this code are hereby incorporated by reference as if fully set forth herein. When Section 8.10.16 is used in reference to an Electrical Code appeal, the term "Electrical Permit" shall replace the term "Building Permit" in said section."

Section 12. Article V is hereby added to Chapter 8 of the Mountain View City Code, to read as follows:

**"ARTICLE V.  
2012 INTERNATIONAL PROPERTY MAINTENANCE CODE.**

**SEC. 8.60.1. 2012 International Property Maintenance Code.**

The International Property Maintenance Code, 2012 edition, promulgated by the International Code Council, which provides minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings, is adopted and by reference made a part of this code with the same force and effect as though set out in full in this chapter. One (1) copy of the International Property Maintenance Code is on file and open to public inspection in the building inspection office.

**SEC. 8.60.2. Subsection 101.1 amended—Title.**

Subsection 101.1 of the International Property Maintenance Code is amended to read as follows:

**101.1 Title.** This document shall be known as the "International Property Maintenance Code of the City of Mountain View" and may be cited as such and will be referred to herein as "this code." Administrative provisions of the International Property Maintenance Code are referenced to the California Building Code, Chapter 1, and Division II for provisions.

**SEC. 8.60.3. Section 103 amended—Department of Property Maintenance Inspection.**

Section 103 of the International Property Maintenance Code is amended to read as follows:

**103. Property Maintenance.**

**103.1 General.** The building inspection division of the community development department is hereby responsible for the enforcement of this code and the chief building official shall be the executive official in charge. Code official shall mean chief building official as referenced herein.

**SEC. 8.60.4. Section 111 amended—Means of appeal.**

Section 111 of the International Property Maintenance Code is amended to read as follows:

**111. Procedure for appeals.** Any owner or owner representative who is in disagreement with the chief building official's interpretation of any provision of this code may appeal the chief building official's interpretation to the city council of the city. All such appeals shall be filed within ten (10) working days after the date the chief building official renders an interpretation of any provision of this code. All appeals shall be in writing, shall be filed with the city clerk, shall state the ground or grounds of appeal and shall be accompanied by a nonrefundable fee of two hundred fifty dollars (\$250). Within sixty (60) calendar days after an appeal is filed, or as soon thereafter as possible, the appeal shall be heard by the city council. The city clerk shall give at least five (5) days prior written notice to the applicant of the date, time and place for the hearing on said appeal. The city council shall not be required to give public notice of said hearing. The applicant shall be entitled to present any oral and/or written evidence at said hearing. Any hearing held pursuant to this section may be continued from time to time by the city council. Within twenty-one (21) days after the hearing is closed, the council shall announce its decision. All decisions of the city council on any appeal shall be final. Any action to challenge, annul or contest the validity of any decision of the city council on any such appeal shall be filed no later than sixty (60) calendar days after the date the city council has adopted a resolution formalizing its decision on the appeal.

**SEC. 8.60.5. Subsection 201.3 amended—Terms defined in other codes.**

Subsection 201.3 of the International Property Maintenance Code is amended to read as follows:

**201.3. Terms defined in other codes.** Where terms are not defined in this code and are defined in the California Building, Fire, Plumbing, Mechanical and Electrical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes. Where this code refers to "International" Building, Fire, Plumbing, Mechanical or other International Codes, the term international shall be replaced with the word "California."

Section 13. The provisions of this ordinance shall be effective at least thirty (30) days from and after the date of its adoption, but no sooner than January 1, 2014.

Section 14. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 15. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 16. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3, of the California Code of Regulations) (the activity will not result in a direct

or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) of the CEQA Guidelines (because it has no potential for resulting in physical change to the environment, directly or indirectly).

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The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 8th day of October, 2013, and thereafter adopted at the Regular Meeting of said Council, duly held on the 22nd day of October, 2013, by the following roll call vote:

AYES: Councilmembers Abe-Koga, Bryant, Kasperzak, Siegel, and Vice Mayor Clark

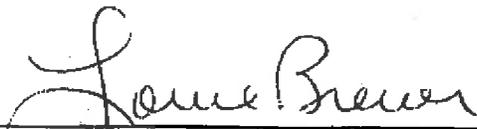
NOES: Mayor Inks

ABSENT: Councilmember McAlister

NOT VOTING: None

ATTEST:

APPROVED:

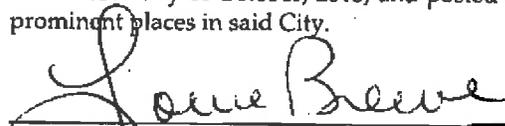


LORRIE BREWER, MMC  
CITY CLERK



JOHN M. INKS  
MAYOR

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 22nd day of October, 2013, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 18th day of October, 2013, and posted in three prominent places in said City.



City Clerk  
City of Mountain View

AG/5/ORD  
808-10-08-13o-E

Dated: 1-15-14 Laty Suarez  
Deputy City Clerk

ORDINANCE NO. 12.13

AN ORDINANCE AMENDING CHAPTER 14, ARTICLES I, II, AND III, OF THE MOUNTAIN VIEW CITY CODE, RELATING TO THE ADOPTION OF THE 2012 INTERNATIONAL FIRE CODE, INCORPORATING BY REFERENCE THE AMENDMENTS ADOPTED BY THE STATE OF CALIFORNIA TO ESTABLISH THE 2013 CALIFORNIA FIRE CODE

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN:

Section 1. A local entity such as the City of Mountain View must adopt the International Fire Code prior to January 1, 2014 if the local agency desires to maintain local control and allow for amendments to the International Fire Code in order to accommodate local requirements for local conditions. The City of Mountain View has local conditions which require amendments to the International Fire Code.

Section 2. The City of Mountain View has local conditions which require amendments to the California Building Standard Codes and other international and uniform codes.

Section 3. Council Findings. The City of Mountain View experiences low humidity and warm temperatures during the summer months, creating conditions which are particularly conducive to the ignition and spread of grass, brush, and structure fires. Additionally, the City of Mountain View is geographically located in the most severe seismic zone, Seismic Zone 4, and situated near active earthquake faults capable of producing substantial seismic activity. Since the City of Mountain View is divided by major freeways and other transportation corridors, the occurrence of a major earthquake would significantly impact the ability of Fire Department personnel to respond to emergencies should one or more overpasses be substantially damaged or collapsed. Additionally, fire suppression capabilities could be severely limited should the water system be extensively damaged during a seismic event. Therefore, mitigation measures are necessary such as: automatic fire suppression systems, communications systems, access to buildings, seismic protection, safety controls for hazardous materials, and other safeguards in an effort to minimize the risks to citizens, property, and fire suppression personnel.

Section 4. Articles I, II, and III of Chapter 14 of the Mountain View City Code are hereby amended to read as follows:

**"ARTICLE I.  
FIRE PREVENTION CODE.**

**SEC. 14.10.1. Adoption of the International Fire Code and the California Fire Code.**

The city hereby adopts for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the International Fire Code, 2012 Edition, including Appendices B and F of the International Fire Code, with the amendments adopted by the State of California, including Appendix K, to establish the California Fire Code, 2013 Edition, published by the International Code Council, Inc., thereof and the whole thereof, save and except such portions as are hereinafter changed, deleted, modified or amended, as defined in California Fire Code Section 1.1.8. A copy of said code has been and is now filed in the office of the fire marshal of the City of Mountain View, and the same, as amended herein, is hereby adopted by reference and incorporated as fully as if set out at length

herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the City of Mountain View.

**SEC. 14.10.2. Definitions.**

a. Wherever the word "municipality" is used in the International Fire Code, it shall mean the city.

b. Wherever the term "corporation counsel" is used in the International Fire Code, it shall mean the city attorney.

c. "Fire and environmental protection division" includes those employees of the fire department who have the duty of enforcing this code in accordance with and pursuant to California Penal Code Sections 830.37, 836.5 and 853.6, to arrest persons for violations of such ordinances or statutes and issue notice to appear citations as provided by law. Within the Mountain View city limits, this term shall refer to the fire prevention personnel, hazardous materials personnel, fire marshal and other fire department personnel so designated by the fire chief.

**SEC. 14.10.3. Section 101.6 added—Administration; General.**

Section 101.6 is added to the International Fire Code, to read as follows:

**101.6. Fire Protection.** The adoption of this code is a reflection of levels of protection of "built-in" fire protection equipment which shall be required in order to provide an adequate level of fire protection to the community at a reasonable cost. Anyone constructing or using properties or processes or engaging in other activities which constitute a potentially higher demand on fire department staffing requirements than are planned for may be required to install automatic fire extinguishing systems, fire protection equipment or such other safeguards that will make it possible to provide an adequate fire protection service with the city's normal fire department capability.

**SEC. 14.10.4. Section 102.10 amended—Applicability.**

Section 102.10 of the International Fire Code is amended to read as follows:

**102.10. Conflicting provisions.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where there is a conflict between requirements in this code and requirements in other local, state or federal laws, regulations or ordinances, the more restrictive shall be applicable.

**SEC. 14.10.5. Table 105.6.8 deleted—Permits.**

Table 105.6.8 of the International Fire Code is deleted.

**SEC. 14.10.6. Table 105.6.10 deleted—Permits.**

Table 105.6.10 of the International Fire Code is deleted.

**SEC. 14.10.7. Table 105.6.20 deleted—Permits.**

Table 105.6.20 of the International Fire Code is deleted.

**SEC. 14.10.8. Section 105.6.10 amended—Permits.**

Section 105.6.10 of the International Fire Code is amended to read as follows:

**105.6.10. Cryogenic fluids.** An operational permit is required to store, handle or use cryogenic fluids in aboveground tanks.

**SEC. 14.10.9. Section 105.6.16 amended—Permits.**

Section 105.6.16 of the International Fire Code is amended to read as follows:

**105.6.16. Flammable and combustible liquids.** An operational permit is required to store, handle or use flammable or combustible liquids in excess of local permit thresholds, or in any quantity in aboveground or belowground storage tanks.

**SEC. 14.10.10. Section 105.6.20 amended—Permits.**

Section 105.6.20 of the International Fire Code is amended to read as follows:

**105.6.20. Hazardous materials.** An operational permit is required to store, transport on-site, dispense, use or handle hazardous materials in excess of local permit thresholds.

**SEC. 14.10.11. Section 105.6.47 added—Additional permits.**

Section 105.6.47 of the International Fire Code is added to read as follows:

**105.6.47. Additional permits.** In addition to the permits required by Section 105.6, the following operational permits shall be obtained from the fire prevention bureau prior to engaging in the following uses, activities, operations, practices or functions:

1. **Production facilities.** To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.
2. **Pyrotechnics and special effects.** To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television or commercial production.
3. **Live audiences.** To install seating arrangements for live audiences in approved production facilities, production studios and sound stages.
4. **Temporary haunted house, ghost walks and similar amusements.**
5. **High-rises.** High-rise buildings as defined in Health and Safety Code Section 13210 and California Building Code.
6. **Licensed facilities.** To operate a state-licensed facility, including community care, residential care for the elderly and day care.

**SEC. 14.10.12. Section 113.6 added—Fees.**

Section 113.6 is added to the International Fire Code, to read as follows:

**113.6. Local fees.**

1. The fees for the primary inspection, first reinspection and any inspection thereafter shall be established by council resolution.

2. The fees for special inspections of temporary installations/events shall be established by council resolution. These shall include, but not be limited to: fireworks displays, pyrotechnic displays, temporary membrane structures (tents, canopies); carnivals, parades, fairs, haunted houses, Christmas tree lots, pumpkin patches, etc.

3. The fees for fire permits, as described in Chapter 1, Section 105, shall be established by council resolution.

4. Late fees (paid after permit expiration date) for fire permits, as described in Chapter 1, Section 105, shall be established by council resolution.

5. Maintenance fees for fire protection or extinguishing systems shall be established by council resolution. These shall include, but not be limited to: fire alarm systems, sprinkler systems, standpipe systems, hood and duct systems, private fire hydrants, etc.

6. The fee for preventable false fire alarms shall be established by council resolution.

#### **SEC. 14.10.13. Section 202, amended—Definitions.**

Section 202 of the International Fire Code is amended to include the following definitions:

**Continuous Gas Detection System** shall mean a gas detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis is allowed to be performed on a cyclical basis at intervals not to exceed thirty (30) minutes. In occupied areas where air is recirculated and not exhausted to a treatment system (e.g., breathing zone), the fire code official may require a cyclical basis at intervals not to exceed five (5) minutes. The gas detection system shall be able to detect the presence of a gas at or below the permissible exposure limit in occupied areas and at or below one-half (1/2) IDLH (or 0.05 LC<sub>50</sub> if no established IDLH) in unoccupied areas.

**Maximum Threshold Quantity (MAX TQ)** is the maximum quantity of a moderately toxic or toxic gas, which may be stored in a single vessel before a more stringent category or regulation is applied. The following equation shall be used to calculate the Max TQ:

$$\text{Max TQ (pounds)} = \text{LC}_{50} \text{ (ppm)} \times 2 \text{ pounds}$$

For gas mixtures containing one or more toxic, highly toxic or moderately toxic components, LC<sub>50</sub> shall be calculated using CGA Standards P-20 and P-23 as referenced in Appendix E, Section 103.1.3.1.

**Other Health Hazard Material** is a hazardous material which affects target organs of the body, including, but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage) or teratogens (effects on fetuses). Other health hazard materials include carcinogens and radioactive materials. See also Section 2702.1—Health Hazard.

**Sensitizer** is a chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

**Temporary** shall mean not to exceed one (1) year.

**Workstation** is a defined space or independent principal piece of equipment using hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment.

**SEC. 14.10.14. Section 311.1 amended—Vacant premises.**

Section 311.1 of the International Fire Code is amended to read as follows:

**311.1. General.** Temporary unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with Sections 311.1.1 through 311.4.

**SEC. 14.10.15. Section 316.7 added—Hazard to firefighters.**

Section 316.7 is added to the International Fire Code, to read as follows:

**316.7 Roof, guardrails at interior courts.** Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than forty-two (42) inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a twelve (12) inch diameter sphere cannot pass through.

**EXCEPTION:**

Where the roof opening is greater than six hundred (600) square feet in area.

**SEC. 14.10.16. Chapter 4 of the International Fire Code is not adopted—Emergency planning and preparedness.**

**SEC. 14.10.17. Section 503.2.1 amended—Dimensions.**

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

**503.2.1. Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than twenty (20) feet (6,096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4,115 mm). Unobstructed width shall mean a clear travel way, excluding parking width and designed for emergency vehicle weight. It shall not include the width of rolled curbs, sidewalks or nondrivable surfaces.

**EXCEPTIONS:**

1. Vertical clearances or widths shall be increased when, in the opinion of the fire chief, vertical clearances or widths are not adequate to provide fire apparatus access.

2. Where buildings or portions of buildings or facilities have floors used for human occupancy located more than thirty (30) feet above the access road, the minimum unobstructed width shall be increased to twenty-six (26) feet.

**SEC. 14.10.18. Section 503.2.4 amended—Turning radius.**

Section 503.2.4 of the International Fire Code is amended to read as follows:

**503.2.4. Turning radius.** The inside turning radius of a fire apparatus access road shall be a minimum of twenty-one (21) feet.

**SEC. 14.10.19. Section 504.4 added—Access to building openings and roofs.**

Section 504.4 is added to the International Fire Code, to read as follows:

**504.4. Access control devices.** When access control devices, including bars, grates, gates, electric or magnetic locks or similar devices are installed, which would inhibit rapid fire department emergency access within and throughout the building, such devices shall be approved by the fire chief or his/her designee. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or otherwise approved by the fire chief or his/her designee.

Access control devices shall also comply with Chapter 10, Egress.

**SEC. 14.10.20. Section 505.1 amended—Premises identification.**

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

**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. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 6 inches (152.4 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). 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 shall be used to identify the structure. Address numbers shall be maintained.

**EXCEPTION:**

For R-3 occupancies, address numbers shall be a minimum of 4 inches high with a minimum strike width of 0.5 inch.

**SEC. 14.10.21. Section 509.3 added—Fire-protection equipment identification and access.**

Section 509.3 is added to the International Fire Code, to read as follows:

**509.3. Fire-protection equipment and fire hydrants.** Fire-protection equipment and fire hydrants shall be clearly identified in an approved manner and maintained unobstructed. Fire department connections (FDCs) and system control valves shall also be identified by their function and occupancy(ies)/address(es) they serve.

When required by the fire chief, hydrant locations shall be identified by installation of reflective markers.

**SEC. 14.10.22. Section 510.1.1 added—Emergency responder radio coverage.**

Section 510.1.1 is added to the International Fire Code, to read as follows:

**510.1.1. Obstruction by new buildings or structures.** When determined by the fire code official, a new building or structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment necessary to restore communication capabilities. The equipment shall be located in an approved space or area within the new structure.

**SEC. 14.10.23. Section 605.12 added—Immersion heaters.**

Section 605.12 is added to the International Fire Code, to read as follows:

**605.12. Immersion heaters.** All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved overtemperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

**SEC. 14.10.24. Section 608.6.1.1 added—Failure of ventilation system.**

Section 608.6.1.1 is added to the International Fire Code, to read as follows:

**608.6.1.1. Failure of ventilation system.** Failure of the ventilation system shall automatically disengage the charging system.

**SEC. 14.10.25. Section 806.1.1 amended—Display inside buildings.**

Section 806.1.1 of the International Fire Code is amended to read as follows:

**806.1.1. Display inside buildings.** The display of Christmas trees and other decorative vegetation in new and existing buildings shall be in accordance with the California Code of Regulations, Title 19, Division 1, Section 308 and Sections 806.1 through 806.5.

**EXCEPTIONS:**

1. Trees located in areas protected by an approved automatic sprinkler system in accordance with Section 901.1.1 or 903.3.1.2 shall not be prohibited in Group A, E, M, R-1 and R-2.

2. Tree shall be allowed within dwelling units in Group R-2 occupancies.

**SEC. 14.10.26. Section 901.6.3 added—Existing systems.**

Section 901.6.3 is added to the International Fire Code, to read as follows:

**901.6.3. Existing systems.** Fire alarm and detection systems installed prior to the adoption of this code shall be maintained per NFPA 72.

Inoperable or unserviceable fire alarm systems shall be restored to operable conditions, equivalent to their original design and installation.

Section 901.6.3.1 is added to the International Fire Code, to read as follows:

**901.6.3.1. Enforcement.** Existing multi-family (R-2) occupancies with interior exit corridors containing five (5) or more units shall not be occupied without a thermal detection system or equivalent detection system.

**SEC. 14.10.27. Section 903.2 amended—Automatic sprinkler systems, where required.**

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

**903.2. Where required.** Approved automatic sprinkler systems in new buildings and structures, and in existing modified buildings and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per the requirements set forth in Sections 903.2.1 through 903.2.12 and as follows, whichever is the more restrictive:

1. An automatic sprinkler system shall be installed throughout all new buildings and structures.

**Exceptions:**

a. Buildings and structures that do not exceed 1,000 square feet of building area in the following Groups: A, B, E, F, I, L, M, S and U occupancies. This exception does not apply to habitable accessory structures constructed on residential properties, regardless of area or occupancy classification

b. Group S-2 or U occupancies used exclusively for vehicle parking and which meet all of the following conditions:

(1) Noncombustible construction.

(2) Maximum building area not to exceed 5,000 square feet.

(3) Structure is open on three (3) or more sides.

(4) Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with California Building Code 706.

2. In determining whether an automatic fire sprinkler system is required, the following criteria shall be used:

(a) Determine the Building Area as defined by the California Building Code.

**Exception:** Eave projections 24 inches or less shall not be counted.

(b) Multiply the Building Area as determined herein by the number of stories. A full basement shall be counted as a story and the floor area of mezzanine(s) shall be added to the Building Area of the story in which they are located.

(c) For the purposes of determining whether automatic fire sprinklers are required in a building, the installation of fire walls will not be considered to create separate buildings.

3. Any change in the character of occupancy or in the use of any building with a Building Area at or over 3,600 square feet which, in the opinion of the fire chief or chief building official, would place the building into a more hazardous division of the same

occupancy group or into a different group of occupancies and constitutes a greater degree of life safety, or increased fire risk, shall require the installation of an approved automatic fire sprinkler system.

(a) For purposes of this section, Life Safety includes, but is not limited to, increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting system due to increased occupant loads, large schools/day-care facilities and large residential care facilities with nonambulatory clients.

(b) For purposes of this section, Fire Risk includes, but is not limited to, high piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials) and increased sources of ignition (welding, automotive repair with the use of flammable liquids and open flame).

4. For existing nonsprinklered buildings, an approved automatic sprinkler system shall be required when additions meet one of the following criteria:

(a) Additions equal to or greater than 100 percent of the existing square footage.

(b) Additions that increase the total building area to over 4,100 square feet.

**SEC. 14.10.28. Section 903.3.1 amended—Installation requirements, standards.**

Section 903.3.1 of the International Fire Code is amended to read as follows:

**903.3.1. Standards.** Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, unless otherwise permitted by 903.3.1.2 and 903.3.1.3. Sprinkler systems shall also be designed and installed in accordance with the City of Mountain View "Commercial Automatic Fire Sprinklers Requirements" and "Residential Automatic Fire Sprinklers Requirements."

**SEC. 14.10.29. Section 905.3 amended—Standpipe systems required installations.**

Section 905.3 of the International Fire Code is amended to read as follows:

**905.3. Required installations.** Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.8 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems are required to be combined with automatic sprinkler systems.

**EXCEPTION:**

Standpipe systems are not required in Group R-3 Occupancies.

**SEC. 14.10.30. Section 905.3.1 amended—Height.**

Section 905.3.1 of the International Fire Code is amended to read as follows:

**905.3.1. Height.** Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than twenty (20) feet above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than twenty (20) feet below the highest level of fire department vehicular access.

## EXCEPTIONS:

1. Class I wet standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Class I wet standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet above the lowest level of fire department vehicle access.
3. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided the hose connections are located as required for Class II standpipes in accordance with Section 905.5.
4. Class I wet standpipes are allowed in basements equipped throughout with an automatic sprinkler system.
5. In determining the lowest level of fire department vehicular access, it shall not be required to consider:
  - 5.1 Recessed loading docks for four vehicles or less, and
  - 5.2 Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.

### SEC. 14.10.31. Section 905.3.5 amended—Underground buildings and parking structures.

Section 905.3.5 of the International Fire Code is amended to read as follows:

**905.3.5. Underground buildings and parking structures.** Underground buildings and parking garages shall be equipped throughout with a Class I automatic wet standpipe system.

### SEC. 14.10.32. Section 905.4 amended—Location of Class I standpipe hose connections.

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

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

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors, unless otherwise approved by the fire code official.
2. On each side of the wall adjacent to the exit opening of a horizontal exit.

**Exception:** Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a 30-foot hose stream from a nozzle attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

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

**Exception:** Where the floor areas adjacent to an exit passageway are reachable from exit stairway hose connections by a 30-foot hose stream from a nozzle

attached to 100 feet of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

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

5. Where the roof has a slope less than four (4) units vertical in twelve (12) units horizontal, a hose connection shall be located to serve the roof, or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1009.16.

6. Where the most remote portion of a sprinklered or nonsprinklered floor or story is more than 150 feet from a hose connection, additional Class I standpipe hose connections shall be provided within 150 feet of all areas. The distance from a hose connection shall be measured along the path of travel.

**SEC. 14.10.33. Section 907.6 amended— Installation.**

Section 907.7 of the International Fire Code is amended to read as follows:

**907.6. Installation.** A fire alarm system shall be installed in accordance with 907.6.1 through 907.6.5.2, National Fire Protection Association 72 and the City of Mountain View "Fire Alarm and Sprinkler Monitoring System Requirements."

**SEC. 14.10.34. Section 1008.1.9.11 amended—Stairway doors.**

Section 1008.1.9.11 of the International Fire Code is amended, to read as follows:

**1008.1.9.11. Stairway doors.** Interior stairway means of egress doors shall be openable from both sides without the use of a key or special knowledge or effort.

**EXCEPTIONS:**

1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.

2. This section shall not apply to doors arranged in accordance with Section 403.5.3 of the International Building Code.

3. In stairways serving not more than six (6) stories in buildings not otherwise classified as a high-rise building in accordance with the California Building Code, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

4. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group B, F, M and S occupancies where the only interior access to the tenant space is from a single exit stair where permitted in Section 1021.2.

5. Stairway exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group R-2 occupancies where the only interior access to the dwelling unit is from a single exit stair where permitted in Section 1021.2.

**SEC 14.10.35. Section 3206.4 amended—General fire protection and life safety features, automatic sprinklers.**

Section 3206.4 of the International Fire Code is amended, to read as follows:

**3206.4. Automatic sprinklers.** Automatic sprinkler systems shall be provided in accordance with Sections 3207, 3208, 3209 and 903.2 as amended.

**SEC. 14.10.36. Section 3304.8 added—Precautions against fire, firewalls.**

Section 3304.8 is added to the International Fire Code, to read as follows:

**3304.8. Firewalls.** When firewalls are required in combustible construction, the wall construction shall be completed immediately after the building is sufficiently weather-protected at the location of the wall(s).

**SEC. 14.10.37. Section 3311.1 amended—Means of egress, stairways required.**

Section 3311.1 of the International Fire Code is amended, to read as follows:

**3311.1. Stairways required.** Each level above the first story in new multi-story buildings that require two (2) exit stairways shall be provided with at least two (2) usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Exit stairs in new and in existing occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

**EXCEPTION:**

For multi-story buildings, one of the required exit stairs may be obstructed on not more than two (2) contiguous floor levels for the purpose of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

**SEC. 14.10.38. Section 5003.9.11 added—General requirements, fire extinguishing systems.**

Section 5003.9.11 is added to the International Fire Code, to read as follows:

**5003.9.11. Fire Extinguishing systems for fume hoods and workstations dispensing, handling or using hazardous materials.** Combustible and noncombustible fume hoods and workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 2703.10.

**EXCEPTION:**

Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500 ml.

**SEC. 14.10.39. Section 5704.2.9.6.1 amended—Flammable and combustible liquids, storage.**

Section 5704.2.9.6.1 of the International Fire Code is amended to read as follows:

**5704.2.9.6.1. Locations where aboveground tanks are prohibited.** Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within any portion of the City of Mountain View, now or hereafter existing.

**EXCEPTION:**

Double-wall approved aboveground tanks used for the storage of diesel fuel (including integral diesel fuel storage tanks) to power listed generators or fire pumps.

**SEC. 14.10.40. Section 6104.2 amended—Liquefied petroleum gases, location of LP-gas containers.**

Section 6104.2 of the International Fire Code is amended to read as follows:

**6104.2. Maximum capacity within established limits.** Liquefied Petroleum Gas (LPG) containers shall not be permitted within the city limits where natural gas mains exist. Upon the installation of natural gas mains, conversion from LPG to natural gas must be made within thirty (30) days of the installation of the mains. When an area is annexed to the city and no natural gas mains exist, the use of LPG may be continued until natural gas mains are installed. If natural gas mains exist within the area of annexation, conversion from LPG to natural gas shall be made within thirty (30) days of annexation.

**EXCEPTION:**

Installations of LPG containers may be permitted within the city limits if used for: (1) filling of portable containers for retail sales; or (2) industrial operators where natural gas would not provide a workable substitute.

**SEC. 14.11 TO 14.29. Reserved.**

**ARTICLE II.  
EXPLOSIVES AND FIREWORKS REGULATIONS.**

**SEC. 14.30. Chapter 56 of the International Fire Code, Explosives and fireworks, is not adopted, with the exception of the following sections:**

**SEC. 14.31. Section 5601.1 amended—Scope.**

Section 5601.1 of the International Fire Code is amended to read as follows:

**5601.1. Scope.** For explosives requirements, see Title 19 California Code of Regulations, Division 1, Chapter 10 and Section 5601.2 of this chapter. For fireworks requirements, see Title 19 California Code of Regulations, Division 1, Chapter 6 and Section 5601.3 of this chapter. For small arms ammunition requirements, see Section 5601.5 of this chapter.

**EXCEPTIONS:**

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
4. Items preempted by federal regulations.

**SEC. 14.32. Section 5601.2 added—Explosives**

Section 5601.2 is added to the International Fire Code, to read as follows:

**5601.2. Explosives.** The possession, manufacture, storage, sale, handling and use of explosives are prohibited.

**EXCEPTIONS:**

Possession, storage, handling and use of explosives for test and research purposes may be allowed with permit and approval of the fire chief or his/her designee.

**SEC. 14.33. Section 5601.3 added— Fireworks,.**

Section 5601.3 is added to the International Fire Code, to read as follows:

**5601.3. Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

**EXCEPTIONS:**

1. Storage, handling and use of fireworks and pyrotechnic special effects outside of buildings when used for public or proximate audience displays, motion picture, television, theatrical and group entertainment productions when handled and used by a California State licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and with permit and approval of the fire chief or his/her designee.

2. Storage, handling and use of pyrotechnic special effects fireworks inside of buildings, equipped throughout with an approved fire sprinkler system, when used for proximate audience displays or special effects in theatrical, television, motion picture and group entertainment productions and when handled and used by a California State licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and with permit and approval of the fire chief or his/her designee.

**SEC. 14.34. Section 5601.4 added—Explosives and fireworks, general.**

Section 5601.4 is added to the International Fire Code, to read as follows:

**5601.4. Rocketry.** The storage, handling and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and with permit and approval of the fire chief or his/her designee.

**SEC. 14.35. Section 5601.5 added—Explosives and fireworks, general.**

Section 5601.5 is added to the International Fire Code, to read as follows:

**5601.5. Small arms ammunition—general.** Indoor storage and display of black powder, smokeless propellants and small arms ammunition shall comply with Sections 3301.5.1 through 3301.5.3.2.3.

Section 5601.5.1 is added to the International Fire Code, to read as follows:

**5601.5.1. Packages.** Smokeless propellants shall be stored in approved shipping containers conforming to Department of Transportation, 49 CFR, Part 173.

Section 5601.5.1.1 is added to the International Fire Code, to read as follows:

**5601.5.1.1. Repackaging.** The bulk repackaging of smokeless propellants, black powder and small arms primers shall not be performed in retail establishments.

Section 5601.5.1.2 is added to the International Fire Code, to read as follows:

**5601.5.1.2. Damaged packages.** Damaged containers shall not be repackaged.

**EXCEPTION:**

Approved repackaging of damaged containers of smokeless propellant into containers of the same type and size as the original container.

Section 5601.5.2 is added to the International Fire Code, to read as follows:

**5601.5.2. Storage in Group R occupancies.** The storage of small arms ammunition in Group R occupancies shall comply with Sections 5601.5.2.1 through 3301.5.2.3.

Section 5601.5.2.1 is added to the International Fire Code, to read as follows:

**5601.5.2.1. Smokeless propellants.** Smokeless propellants intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers. Smokeless powder in quantities exceeding 20 pounds (9 kg), but not exceeding 50 pounds (23 kg), are permitted to be stored in Group R-3 occupancies where kept in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.

Section 5601.5.2.2 is added to the International Fire Code, to read as follows:

**5601.5.2.2. Black powder.** Black powder intended for personal use in quantities not exceeding 20 pounds (9 kg) is permitted to be stored in Group R-3 occupancies where kept in original containers and stored in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.

Section 5601.5.2.3 is added to the International Fire Code, to read as follows:

**5601.5.2.3. Small arms primers.** No more than 10,000 small arms primers shall be stored in Group R-3 occupancies.

Section 5601.5.3 is added to the International Fire Code, to read as follows:

**5601.5.3. Display and storage in Group M occupancies.** The display and storage of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.1 through 5601.5.3.2.3.

Section 5601.5.3.1 is added to the International Fire Code, to read as follows:

**5601.5.3.1. Display.** The display of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.1.1 through 5601.5.3.1.3.

Section 5601.5.3.1.1 is added to the International Fire Code, to read as follows:

**5601.5.3.1.1. Smokeless propellant.** No more than 20 pounds (9 kg) of smokeless propellants, each in containers of 1 pound (0.454 kg) or less capacity, shall be displayed in Group M occupancies.

Section 5601.5.3.1.2 is added to the International Fire Code, to read as follows:

**5601.5.3.1.2. Black powder.** No more than 1 pound (0.454 kg) of black powder shall be displayed in Group M occupancies.

Section 5601.5.3.1.3 is added to the International Fire Code, to read as follows:

**5601.5.3.1.3. Small arms primers.** No more than 10,000 small arms primers shall be displayed in Group M occupancies.

Section 5601.5.3.2 is added to the International Fire Code, to read as follows:

**5601.5.3.2. Storage.** The storage of small arms ammunition in Group M occupancies shall comply with Sections 3301.5.3.2.1 through 3301.5.3.2.3.

Section 5601.5.3.2.1 is added to the International Fire Code, to read as follows:

**5601.5.3.2.1. Storage of smokeless propellant.** Commercial stocks of smokeless propellants not on display shall not exceed 100 pounds (45 kg). Quantities exceeding 20 pounds (9 kg), but not exceeding 100 pounds (45 kg), shall be stored in portable wooden boxes having walls of at least 1 inch (25 mm) nominal thickness.

Section 5601.5.3.2.2 is added to the International Fire Code, to read as follows:

**5601.5.3.2.2. Black powder.** Commercial stocks of black powder not on display shall not exceed 50 pounds (23 kg) and shall be stored in Type 2 or 4 indoor or outdoor magazines. When black powder and smokeless propellants are stored together in the same magazine, the total quantity shall not exceed that permitted for black powder.

Section 5601.5.3.2.3 is added to the International Fire Code, to read as follows:

**5601.5.3.2.3. Small arms primers.** Commercial stocks of small arms primers not on display shall not exceed 750,000. Storage shall be arranged such that not more than 100,000 small arms primers are stored in any one pile and piles are at least 15 feet (4,572 mm) apart.

**SEC. 14.36 TO 14.39. Reserved.**

### **ARTICLE III. ENFORCEMENT.**

**SEC. 14.40. Appeals.**

Whenever the fire chief or his/her designee shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply, or that the true intent and meaning of the code has been misconstrued or wrongfully interpreted, the applicant may appeal the decision to the city council within thirty (30) days from the date of the decision.

**SEC. 14.45. Establishment and duties of the fire prevention bureau.**

This chapter shall be enforced by the fire prevention bureau in the fire department of the city, which is hereby established and which shall be operated under the supervision of the chief of the fire department.

**SEC. 14.50. Penalties.**

a. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor, punishable as set forth in the city charter. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

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

c. Nothing contained in this section shall be construed to prevent the city from taking whatever appropriate civil action it deems necessary to enforce any of the provisions of this code or of this chapter.

**SEC. 14.51. Arrests and issuance of citations.**

a. The fire chief, fire marshal, deputy fire marshals, and other designated fire department personnel of the city may make arrests for violations of this code under the authority set forth by California Penal Code Sec. 830.37, 836.5 and 853.6. The fire chief, fire marshal and deputy fire marshals, and other designated fire department personnel who have the discretionary duty to enforce a statute or ordinance, may, as provided by law, arrest a person without a warrant whenever any such officer has reasonable cause to believe the person to be arrested has committed a misdemeanor in the officer's presence which he or she has the discretionary duty to enforce, and may issue a notice to appear and release such persons on his or her written promise to appear in court.

b. **Hazardous materials enforcement.** Those employees of the city, including, but not limited to, the fire marshal and hazardous materials specialists, who have the duty of enforcing this code, city and state laws pertaining to hazardous and toxic materials, are hereby authorized, in accordance with and pursuant to California Penal Code Sec. 830.37, 836.5 and 853.6, to arrest persons for violations of such ordinances or statutes and to issue Notice to Appear citations as provided by law.

**SEC. 14.52. Enforcement remedies nonexclusive.**

The remedies provided for in this ordinance are not exclusive. Pursuant to Chapter 1, Sec. 1.7, 1.18, 1.28 and 1.29 of the Mountain View City Code, the city, in its prosecutorial discretion, may enforce violation(s) of the provisions of this Chapter 14 as a criminal, civil and/or administrative action."

Section 5. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption, but no sooner than January 1, 2014.

Section 6. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 7. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 8. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) of the CEQA Guidelines (because it has no potential for resulting in physical change to the environment, directly or indirectly).

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The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 8th day of October, 2013, and thereafter adopted at the Regular Meeting of said Council, duly held on the 22nd day of October, 2013, by the following roll call vote:

AYES: Councilmembers Abe-Koga, Bryant, Kasperzak, Siegel, and Vice Mayor Clark

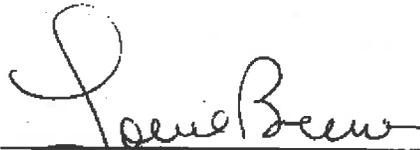
NOES: Mayor Inks

ABSENT: Councilmember McAlister

NOT VOTING: None

ATTEST:

APPROVED:

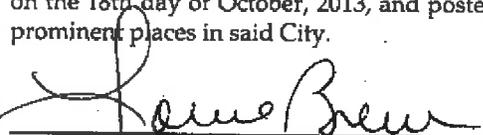


LORRIE BREWER, MMC  
CITY CLERK



JOHN M. INKS  
MAYOR

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 22nd day of October, 2013, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 18th day of October, 2013, and posted in three prominent places in said City.



City Clerk  
City of Mountain View

JW/2/ORD  
197-10-08-13o-E

Dated: 1-15-14 Sally Quinn  
Deputy City Clerk

ORDINANCE NO. 13.13

AN ORDINANCE AMENDING CHAPTER 24, ARTICLES I AND II,  
OF THE MOUNTAIN VIEW CITY CODE, RELATING TO  
HAZARDOUS MATERIALS

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY  
ORDAIN:

Section 1. Article I of Chapter 24 of the Mountain View City Code is hereby  
amended to read as follows:

**"ARTICLE I. HAZARDOUS MATERIALS PERMIT CODE.**

**DIVISION I. GENERAL PROVISIONS.**

**SEC. 24.1.0. Purpose.**

The purpose of this chapter is the protection of health, safety or welfare of persons,  
resources or property through the regulation of hazardous materials and other  
regulated materials.

**SEC. 24.1.1. General obligation—Safety and care.**

a. No person, firm or corporation shall cause, suffer or permit the storage,  
handling or dispensing of hazardous materials or other regulated materials:

1. In a manner which violates a provision of this chapter or any other local,  
federal or state statute, code, rule or regulation relating to hazardous materials or other  
regulated materials; or

2. In a manner which causes, or poses a significant risk of causing, an  
unauthorized discharge of hazardous materials or other regulated materials or  
threatens the health, safety, or welfare of persons, resources or property.

**SEC. 24.1.2. Specific obligation.**

a. Any person, firm or corporation which stores, handles or dispenses any  
hazardous or other material regulated by Sec. 24.2.0 which is not excluded by Sec. 24.2.1  
shall obtain and keep current a Hazardous Materials Permit.

b. All such hazardous or other regulated materials shall be stored, handled and  
dispensed in conformity with Division III of this chapter.

c. The storage, handling and dispensing of such hazardous or other regulated  
materials shall be in conformance with the approved Hazardous Materials Business  
Plan.

d. The fire department shall be the agency within the City of Mountain View  
having authority to enforce the provisions of this ordinance and related state and  
federal laws and regulations referenced in this chapter.

**SEC. 24.1.3. Definitions.**

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

- a. "Abandoned," when referring to a storage facility, means out of service and not safeguarded in compliance with this chapter.
- b. "Acutely hazardous materials" means any chemical designated as an extremely hazardous substance which is listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations (as referenced in California Health and Safety Code Division 20, Chapter 6.95, Article 2, Sec. 25532).
- c. "Business" means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership or association. For purposes of this chapter, "business" includes a business organized for profit and a nonprofit business.
- d. "California Electronic Reporting System (CERS)" is a web-based reporting system created by CalEPA for regulated facilities to electronically file required hazardous materials business plan (HMBP) information in accordance with CCR, Title 27.
- e. "Chemical name" means the scientific designation of a substance in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the system developed by the Chemical Abstract Service (CAS).
- f. "City" means the City of Mountain View.
- g. "Combustible liquid" is a liquid having a closed-cup flashpoint at or above one hundred (100) degrees Fahrenheit. (Note: This is the California Fire Code definition; D.O.T. defines "combustible liquid" differently.)
- h. "Common name" means any designation or identification such as a code name, code number, trade name or brand name used to identify a substance other than by its chemical name.
- i. "Compressed gas cylinder" means a cylinder containing: (a) a gas or mixture of gases at an absolute pressure exceeding forty (40) pounds per square inch at seventy (70) degrees Fahrenheit; or (b) a gas or mixture of gases at an absolute pressure exceeding one hundred four (104) pounds per square inch at one hundred thirty (130) degrees Fahrenheit regardless of the pressure at seventy (70) degrees Fahrenheit; or (c) a liquid having a vapor pressure exceeding forty (40) pounds per square inch at one hundred (100) degrees Fahrenheit.
- j. "Corrosive gas" means a gas as defined in Article II of this chapter.
- k. "Corrosive liquid" means a liquid that has a pH equal to or greater than 12.5 or less than or equal to 2.0 or as defined in 173 of 49 CFR.
- l. "Corrosive solid" means a solid that has a pH equal to or greater than 12.5 or less than or equal to 2.0 when hydrated with water and as defined in 173 of 49 CFR.
- m. "Cryogen" is a fluid that has a normal boiling point lower than minus one hundred thirty (-130) degrees Fahrenheit (-90 degrees Celsius) at 14.7 psi atmosphere (psia).

- n. "Dangerous when wet liquid" means a liquid as defined in 173 of 49 CFR.
- o. "Dangerous when wet solid" means a solid as defined in 173 of 49 CFR.
- p. "Dispense" means to pour or transfer a material from a container, tank or similar vessel whereby vapors, dusts, fumes, mists or gases could be liberated to the atmosphere.
- q. "D.O.T." is an abbreviation for Department of Transportation and refers to this federal agency.
- r. Electronic reporting means all regulated facilities must use an approved web-based reporting system to electronically file required hazardous materials business plan (HMBP) information. This includes, but is not limited to, CCR Title 27 Data Dictionary elements, facility data regarding hazardous materials regulatory activities, chemical inventories, underground and aboveground storage tanks, hazardous waste generation, and additional locally required information as necessary.
- s. "Explosive" means: (a) chemicals that cause a sudden, almost instantaneous release of pressure, gas and heat when subjected to sudden shock, pressure or high temperatures; or (b) materials or chemicals, other than blasting agents, that are commonly used or intended to be used for the purpose of producing an explosive effect.
- t. "Facility" means a building or buildings, appurtenant structures and surrounding land area used by a single business entity at a single location or site.
- u. "Flammable gas" is a gas at sixty-eight (68) degrees Fahrenheit or less at 14.7 psi atmosphere of pressure which is ignitable when in a mixture of thirteen (13) percent or less by volume with air or which has a flammable range with air of at least twelve (12) percent regardless of the lower limit.
- v. "Flammable liquid" is a liquid having a closed-cup flash point below one hundred (100) degrees Fahrenheit and having a vapor pressure not exceeding forty (40) psia at one hundred (100) degrees Fahrenheit.
- w. "Flammable solid" means any of the following three (3) types of materials:
  - 1. Desensitized explosives that:
    - (a) When dry are explosives of Class 1 other than those of compatibility Group A which are wetted with sufficient water, alcohol or plasticizer to suppress explosive properties; and
    - (b) Are specifically authorized by name either in Table 172.101 of 49 CFR or have been assigned a shipping name and hazard class by the associate administrator for hazardous materials safety;
  - 2. **Self-reactive materials.** These are materials that are liable to undergo, at normal or elevated temperatures, a strongly exothermal decomposition caused by excessively high transport temperatures or by contamination; and

3. **Readily combustible solids.** These are materials that:

- (a) Are solids which may cause a fire through friction such as matches;
- (b) Show a burning rate faster than 2.2 mm per second when tested in accordance with 173 of 49 CFR; or
- (c) Any metal powders that can be ignited and react over the whole length of a sample when tested in accordance with 173 of 49 CFR.

x. "Handle" means to use, generate, process, produce, package, treat, store, emit, discharge or dispose of a hazardous material in any fashion.

y. "Handler" means any person, firm or corporation which handles a hazardous material.

z. "Hazard class" means dangerous when wet liquids, dangerous when wet solids, flammable liquids, combustible liquids, flammable solids, oxidizer liquids, oxidizer solids, oxidizer gases, organic peroxide liquids, organic peroxide solids, corrosive liquids, corrosive solids, corrosive gases, flammable gases, nonflammable gases, poisonous material gases, poisonous material liquids, poisonous material solids, infectious substances, radioactive materials, cryogenics, miscellaneous hazardous material liquids, miscellaneous hazardous material solids, spontaneously combustible liquids, spontaneously combustible solids.

aa. "Hazardous material" means any material which is subject to regulation pursuant to Division II of this chapter. A mixture shall be deemed to be a hazardous material if it either is: (a) a waste and contains any material regulated pursuant to Article II of this chapter; (b) a nonwaste (other than toxic, highly toxic, moderately toxic or poisonous solids, liquids or gases) and contains one (1) percent by weight or more of any material regulated pursuant to Division II of this chapter; or (c) is a nonwaste and contains any amount of material regulated as a toxic, highly toxic, moderately toxic or poisonous solid, liquid or gas.

The definition of mixtures shall not apply to hazardous substances stored in underground storage tanks, and any amount of a hazardous substance in an underground storage tank shall be regulated as a hazardous material.

bb. "Hazardous materials business plan (HMBP)" means an electronically filed plan containing the information required pursuant to Sec. 25500 et seq. of the California Health and Safety Code, Title 27 of the California Code of Regulations and additional locally required information as necessary.

cc. "Infectious substance" means a viable microorganism, or its toxin, which causes or may cause disease in humans or animals and includes those agents listed in 42 CFR 72.3 of the regulations of the Department of Health and Human Services or any other agent that causes or may cause severe, disabling or fatal disease. The terms "infectious substance" and "etiologic agent" are synonymous for the purposes of this chapter.

dd. "Miscellaneous hazardous material liquids" means any liquid which a handler or the city has a reasonable basis to believe it would be injurious to the health and safety of persons or property or be harmful to the environment if released into the workplace or environment and is not otherwise classified under any other hazard classes described in this chapter.

ee. "Miscellaneous hazardous material solids" means any solid which a handler or the city has a reasonable basis to believe it would be injurious to the health and safety of persons or property or be harmful to the environment if released into the workplace or environment and is not otherwise classified under any other hazard classes described in this chapter.

ff. "MSDS" is an abbreviation for "material safety data sheet" and refers to written or printed material concerning a hazardous material which is prepared in accordance with the provisions of 29 CFR 1910.1200.

gg. "Nonflammable gas" is any inert material or inert mixture that, when enclosed in a container, has an absolute pressure exceeding forty (40) psi at seventy (70) degrees Fahrenheit or, regardless of the pressure at seventy (70) degrees Fahrenheit, having an absolute pressure exceeding one hundred forty (140) psi at one hundred thirty (130) degrees Fahrenheit.

hh. "Normal temperature and pressure" means a temperature of sixty-eight (68) degrees Fahrenheit and pressure of one (1) atmosphere (14.7 psia).

ii. "Officer" means the employee assigned by the city to administer this chapter or any designee of such employee.

jj. "Organic peroxide liquid" means any organic liquid containing oxygen in the bivalent (-O-O-) structure and which may be considered a derivative of hydrogen peroxide where one (1) or more of the hydrogen atoms have been replaced by organic radicals.

kk. "Organic peroxide solid" means any organic solid containing oxygen in the bivalent (-O-O-) structure and which may be considered a derivative of hydrogen peroxide where one (1) or more of the hydrogen atoms have been replaced by organic radicals.

ll. "Oxidizer gas" means a gas that can support and accelerate combustion of other materials more than air does.

mm. "Oxidizer liquid" means a material that readily yields oxygen or other oxidizing gas, or that readily reacts to promote or initiate combustion of combustible materials.

nn. "Oxidizer solid" means a material that readily yields oxygen or other oxidizing gas, or that readily reacts to promote or initiate combustion of combustible materials.

oo. "Permit" means any hazardous materials permit issued pursuant to this chapter as well as any additional approvals thereto.

pp. "Permit quantity limit" means the maximum amount of hazardous material that can be stored or handled in a storage facility. Separate permit quantity limits will be set for each storage facility for which a permit is obtained in accordance with the requirements of this chapter.

qq. "Permittee" means any person, firm or corporation to whom a permit is issued pursuant to this chapter and any authorized representative, agent or designee of such person, firm or corporation.

rr. "Pipes" means pipeline systems which are used in connection with the storage or handling of hazardous materials exclusively within the confines of a facility

and which are not intended to transport hazardous materials in interstate or intrastate commerce or to transfer hazardous materials in bulk to or from a marine vessel.

ss. "Poisonous material gas" means a material which is a gas at twenty (20) degrees Celsius or less and a pressure of 101.3 kPa (14.7 psi) (a material which has a boiling point of twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) or less at 101.3 kPa (14.7 psi)) and which:

1. Is known to be so toxic to humans as to pose a hazard to health during transportation, or

2. In the absence of adequate data on human toxicity is presumed to be toxic to humans because when tested on laboratory animals it has an LC<sub>50</sub> value of not more than five thousand (5,000) ml/m<sup>3</sup>.

tt. "Poisonous material liquid" means a liquid which is known to be so toxic to humans as to pose a hazard to health during transportation or which in the absence of adequate data on human toxicity:

1. Is presumed to be toxic to humans because it falls within any one (1) of the following categories when tested on laboratory animals:

(a) **Oral toxicity.** A liquid with an LD<sub>50</sub> for acute oral toxicity of not more than five hundred (500) mg/kg.

(b) **Dermal toxicity.** A material with an LD<sub>50</sub> for acute dermal toxicity of not more than one thousand (1,000) mg/kg.

(c) **Inhalation toxicity.** (A) a dust or mist with an LC<sub>50</sub> for acute toxicity on inhalation of not more than ten (10) mg/L; or (B) a material with a saturated vapor concentration in air at twenty (20) degrees Celsius greater than or equal to one-fifth (1/5) of the LC<sub>50</sub> for acute toxicity on inhalation of vapors and with an LC<sub>50</sub> for acute toxicity on inhalation of vapors of not more than five thousand (5,000) ml/m<sup>3</sup>.

2. Is an irritating material, with properties similar to tear gas, which causes extreme irritation, especially in confined spaces.

uu. "Poisonous material solid" means a solid which is known to be so toxic to humans as to pose a hazard to health during transportation or which in the absence of adequate data on human toxicity:

1. Is presumed to be toxic to humans because it falls within any one (1) of the following categories when tested on laboratory animals:

(a) **Oral toxicity.** A liquid with an LD<sub>50</sub> for acute oral toxicity of not more than five hundred (500) mg/kg.

(b) **Dermal toxicity.** A material with an LD<sub>50</sub> for acute dermal toxicity of not more than one thousand (1,000) mg/kg.

(c) **Inhalation toxicity.** (A) a dust or mist with an LC<sub>50</sub> for acute toxicity on inhalation of not more than twenty (20) mg/L; or (B) a material with a saturated vapor concentration in air at twenty (20) degrees Celsius greater than or equal to one-fifth (1/5) of the LC<sub>50</sub> for acute toxicity on inhalation of vapors and with an LC<sub>50</sub> for acute toxicity on inhalation of vapors of not more than five thousand (5,000) ml/m<sup>3</sup>.

2. Is an irritating material, with properties similar to tear gas, which causes extreme irritation, especially in confined spaces.

vv. "Portal" means a web-based database for regulated facilities to electronically report required hazardous materials business plan (HMBP) and additional locally required information.

ww. "Primary containment" means the first level of containment (i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained).

xx. "Product-tight" means impervious to the hazardous material which is contained, or is to be contained, so as to prevent the seepage of the hazardous material from the primary containment. To be product-tight, the containment shall be made of or created by a material that is not subject to physical or chemical deterioration by the hazardous material or naturally occurring contaminants being contained.

yy. "Radioactive" means any material or combination of materials that has a specific activity greater than 0.002 microcuries per gram.

zz. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or dispensing outside of the primary containment.

aaa. "Retail sales occupancy" means the occupancy or use of a building or structure or any portion thereof for displaying, selling or buying of goods, wares or merchandise.

bbb. "Secondary containment" means the level of containment external to and separate from the primary containment and which is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

ccc. "SIC code" means the identification number assigned by the Standard Industrial Classification Code to specific types of businesses.

ddd. "Single-walled" means construction with walls made of one (1) thickness of material. Laminated, coated or clad materials shall be considered as single-walled.

eee. "Spill control" means rooms, buildings or areas used for the storage of hazardous material liquids with provisions to prevent the flow of liquids to adjoining areas.

fff. "Spontaneously combustible liquid" means:

1. **A pyrophoric liquid.** A pyrophoric liquid is a liquid that, even in small quantities and without an external ignition source, can ignite within five (5) minutes after coming in contact with air when tested according to 173 of 49 CFR.

2. **A self-heating liquid.** A self-heating liquid is a liquid that, when in contact with air and without an energy supply, is liable to self-heat. A liquid of this type exhibits spontaneous ignition or the temperature of the sample exceeds two hundred (200) degrees Celsius during the twenty-four (24) hour test period when tested in accordance with 173 of 49 CFR.

ggg. "Spontaneously combustible solid" means:

1. **A pyrophoric solid.** A pyrophoric solid is a solid that, even in small quantities and without an external ignition source, can ignite within five (5) minutes after coming in contact with air when tested according to 173 of 49 CFR.

2. **A self-heating solid.** A self-heating solid is a solid that, when in contact with air and without an energy supply, is liable to self-heat. A solid of this type exhibits spontaneous ignition or the temperature of the sample exceeds two hundred (200) degrees Celsius during the twenty-four (24) hour test period when tested in accordance with 173 of 49 CFR.

hhh. "Stationary tank" means any packaging designed primarily for stationary installation not intended for loading, unloading or attachment to a transport vehicle as part of its normal operation in the process of use.

iii. "Storage facility" is a facility that stores, handles or uses one (1) or a combination of tanks, sumps, reservoirs, wet floors, waste treatment facilities, pipes, vaults or other portable or fixed containers, used, or designed to be used, for the storage of hazardous materials or other regulated materials at a facility.

jjj. "STP" is an abbreviation for standard temperature and pressure and means zero (0) degrees Celsius, or thirty-two (32) degrees Fahrenheit, at one (1) atmosphere of pressure (14.7 psia).

kkk. "Sump" means a pit or well in which liquids collect.

lll. "Temporary" means not to exceed one (1) year.

mmm. "Threatened release" means a condition creating a substantial probability of harm when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or the environment.

nnn. "Trade secret" means trade secrets as defined in subdivision (d) of Sec. 6254.7 of the Government Code and Sec. 1060 of the Evidence Code.

ooo. "Unauthorized discharge" means any release or emission of any hazardous material or other regulated material which does not conform to the provisions of this chapter, unless such release is in accordance with the release regulations of the Bay Area Air Quality Management District and California Air Resources Board, with a National Pollutant Discharge Elimination System Permit, with waste discharge requirements established by the Regional Water Quality Control Board pursuant to the Porter-Cologne Water Quality Act, or with local sewer pretreatment requirements for publicly owned treatment works.

#### **SEC. 24.1.4. Professional assistance for city determinations.**

Whenever the approval or satisfaction of the city may be required in this chapter for a design, monitoring, testing, evaluation, or technical submittal by an applicant or permittee, the city may, in its discretion, require such applicant or permittee, at such applicant's or permittee's sole cost and expense, to retain a suitably qualified independent engineer, or chemist, or other appropriate professional consultant, acceptable to the city, for the purpose of evaluating and rendering a professional opinion respecting the adequacy of such submittal, design, monitoring, testing or evaluation to achieve the purposes of this chapter. The city shall be entitled to rely on

such evaluation and/or opinion of such engineer, chemist or professional consultant in making the relevant determinations provided for in this chapter.

## DIVISION II. MATERIALS REGULATED.

### SEC. 24.2.0. Materials regulated.

The materials regulated by this chapter shall consist of any materials that, because of their quantity, concentration or physical or chemical characteristics, pose a significant present or potential physical or health hazard to human health and safety, property or the environment if released into the workplace or the environment. These shall include, but not be limited to:

- a. Any material regulated under Sec. 25501 or 25532 of Chapter 6.95 of the California Health and Safety Code.
- b. Any material regulated under Sec. 25281 of Chapter 6.7 of the California Health and Safety Code.
- c. Any material regulated by the California Fire Code.
- d. Any material regulated under Division 20, Chapter 6.5, of the California Health and Safety Code.
- e. Any material regulated under Chapter 6.67, Sec. 25270.5(c), of the California Health and Safety Code.
- f. Any material which a handler or the city has a reasonable basis for believing would be injurious to the health, safety and welfare of persons or property or harmful to the environment if released into the workplace or the environment.

### SEC. 24.2.1. Exclusions.

This chapter excludes the following materials from hazardous materials permit fees. These materials may be required to be reported or included in a HMBP when the fire chief or his/her designee so determines and where such action would be appropriate and consistent with achieving the general obligations of protecting public health, safety and welfare. In addition, the following materials shall comply with all applicable requirements in Division III (Storage, Handling and Dispensing Standards) of this chapter.

- a. **Retail products.** Hazardous materials meeting all of the following requirements: (1) contained solely in consumer products with a container capacity not exceeding five (5) gallons or fifty (50) pounds; (2) packaged for distribution to, and use by, the general public; (3) whose contents are not dispensed from their original containers at the storage facility; and (4) located in an area defined as a retail sales occupancy per Article I, Division I of this chapter.
- b. **Medicinal products.** Oxygen and nitrous oxide, ordinarily maintained by a physician, dentist, podiatrist, veterinarian or pharmacist at his or her office or place of business, stored at each office or place of business in quantities of not more than one thousand (1,000) cubic feet of each material at any one time.
- c. **Food and beverage products.** Noncryogenic carbon dioxide compressed gas used in the direct dispensing of food or beverages at restaurants, delicatessens, pubs or other public eating or drinking establishments.

d. **Stationary Storage Battery Systems.** Batteries used for facility standby power, emergency power or uninterrupted power supplies in which the liquid electrolyte in the cells is immobilized (i.e., AGM-absorptive glass mat, gel cell) and contain less than fifty-five (55) gallons (aggregate) quantity.

e. **Minimum quantities.\*** Hazardous materials whose aggregate quantity in a hazard class does not exceed the limits specified below:

Maximum Quantity	Hazard Class
10 gallons	Miscellaneous hazardous material liquid
10 gallons	Combustible liquid
10 gallons	Corrosive liquid
10 gallons	Flammable liquid
10 gallons	Oxidizer liquid
50 pounds	Miscellaneous hazardous material solid
50 pounds	Corrosive solid
50 pounds	Flammable solid
50 pounds	Oxidizer solid
200 cubic feet	Nonflammable gas
200 cubic feet	Flammable gas

\*Minimum quantity exclusions do not apply to hazardous substances stored in underground storage tanks.

f. **Exemption.** The city shall exempt any material from the requirements of this chapter where it has been demonstrated to the satisfaction of the city that the material in the quantity and/or solution stored does not present a significant actual or potential hazard to the public health, safety or welfare.

**SEC. 24.2.2. Underground storage tanks.**

This chapter hereby adopts by reference: Chapter 16 of Division 3 of Title 23 of the California Code of Regulations "Underground Storage Tank Regulations," Sec. 25280-25299.7 of Chapter 6.7 of Division 20 of the California Health and Safety Code "Underground Storage of Hazardous Substances," applicable federal law and all other laws, regulations and guidelines adopted thereto regulating the storage of hazardous substances in underground storage tanks.

The city may adopt and enforce any regulation, requirement or standard of performance that is more stringent than a regulation, requirement or standard of performance in effect under Chapter 16 of Division 3 of Title 23 of the California Code of Regulations, Chapter 6.7 of Division 20 of the Health and Safety Code or applicable federal law, if the regulation, requirement or standard of performance is consistent with these laws and with the general obligation of protecting health, safety and welfare of persons, resources or property.

In no case shall any regulation, requirement or standard of performance for hazardous substances stored in underground storage tanks be less restrictive than the state and federal laws and regulations cited above. In cases where requirements in this chapter conflict with the state and federal requirements for hazardous substances stored in underground storage tanks cited above, the more restrictive shall apply.

This chapter shall not be construed to preclude or deny the right of the city to regulate underground storage tanks which are not subject to state or federal laws or regulations.

**SEC. 24.2.3. Aboveground storage tanks.**

This chapter hereby adopts by reference California Health and Safety Code Division 20, Chapter 6.67, Sec. 25270.5(c), applicable federal law, and all other laws, regulations and guidelines adopted thereto regulating aboveground storage tanks.

The city may adopt and enforce any regulation, requirement or standard of performance that is more stringent than a regulation, requirement or standard of performance in effect under the state and federal laws and regulations cited in this section if the regulation, requirement or standard of performance is consistent with these laws and with the general obligation of protecting health, safety and welfare of persons, resources or property.

In no case shall any regulation, requirement or standard of performance for aboveground storage tanks be less restrictive than the state and federal laws and regulations cited above. In cases where requirements in this chapter conflict with the state or federal requirements for aboveground storage tanks cited above, the more restrictive shall apply.

This chapter shall not be construed to preclude or deny the right of the city to regulate aboveground storage tanks which are not subject to state or federal laws or regulations.

**SEC. 24.2.4. Hazardous waste treatment.**

This chapter hereby adopts by reference Division 4.5, Title 22 of the California Code of Regulations (Department of Toxic Substances Control), California Health and Safety Code Division 20, Chapter 6.5, applicable federal law, and all other laws, regulations and guidelines adopted thereto regulating hazardous waste treatment.

The city may adopt and enforce any regulation, requirement or standard of performance that is more stringent than a regulation, requirement or standard of performance in effect under the state and federal laws and regulations cited in this section if the regulation, requirement or standard of performance is consistent with these laws and with the general obligation of protecting health, safety and welfare of persons, resources or property.

In no case shall any regulation, requirement or standard of performance for hazardous waste treatment be less restrictive than the state and federal laws and regulations cited above. In cases where requirements in this chapter conflict with the state or federal requirements for hazardous waste treatment cited above, the more restrictive shall apply.

**DIVISION III. STORAGE, HANDLING AND DISPENSING STANDARDS.**

**SEC. 24.3.0. Storage, handling and dispensing of hazardous or other regulated materials.**

Storage, handling and dispensing of hazardous or other regulated materials shall be in conformance with this division. In the absence of direct regulation by this division, other appropriate regulations, standards, laws, ordinances or other nationally recognized and accepted methods of good practice may be required when storage, handling or dispensing practices do not meet the purpose and general obligation of this chapter to protect the public health, safety and welfare and the environment. In the event of conflicting authorities or conflicts with other codes, the more restrictive shall apply.

a. **Compressed gas cylinder storage.** All compressed gas cylinders in storage shall be adequately secured by approved noncombustible straps, chain, wire, etc., to prevent falling or being knocked over. All compressed gas cylinders in storage shall have their valve assemblies protected by a D.O.T.-approved bonnet.

Compressed gas containers, cylinders and tanks shall not be placed near elevators, unprotected platform ledges or other areas where falling would result in compressed gas containers, cylinders or tanks being allowed to drop distances exceeding one-half (1/2) the height of the container, cylinder or tank.

b. **Compressed gas cylinder use.** All compressed gas cylinders in service shall be adequately secured to prevent falling or being knocked over except for cylinders in the process of examination, servicing or filling. Securement may include chaining cylinders to stationary bracing, chaining cylinders onto secured transport carts or other means acceptable to the city.

c. **Container compatibility.** Containers, piping and equipment used for storing or handling hazardous or other regulated materials shall be compatible with the hazardous or other regulated materials they store or handle. In general, flammable and combustible materials are compatible with metal whereas corrosive materials are compatible with plastic (polyethylene or polypropylene).

d. **Design, construction and installation of hazardous materials storage facilities.**

1. All storage facility installation, construction, repair or modification, closure and removal shall be completed under permit to the satisfaction of the city. The city shall have the discretion to exempt an applicant from any specific requirement other than those for underground storage tanks or to impose reasonable additional or different requirements based on other appropriate regulations, standards, laws, ordinances or other nationally recognized and accepted methods of good practice in order to better secure the purpose and general obligation of this chapter for protection of public and environmental health, safety and welfare.

2. Containers, cylinders and tanks shall be designed and constructed in accordance with nationally recognized standards or comply with the standard of duty as defined in Chapter 80 of the 2012 International Fire Code, as amended.

3. Equipment, machinery and processes utilized for storage, use or dispensing of hazardous or other regulated materials shall be approved, listed or designed and constructed in accordance with approved standards for the intended use or comply with the standard of duty as defined in Chapter 80 of the 2012 International Fire Code, as amended. Such equipment, machinery and processes shall be maintained in an operable condition.

4. Piping, tubing, valves and fittings conveying hazardous or other regulated materials shall be installed in accordance with approved standards and meet the following requirements:

(a) They shall be designed and fabricated from materials of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.

(b) Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous or other regulated materials.

(c) Piping and tubing utilized for the transmission of liquids having a health hazard ranking of 3 or 4 in accordance with the National Fire Protection Association (NFPA) Standard 704 shall have welded or brazed connections throughout unless the piping or tubing is provided with a receptor for containment if the material is a liquid.

(d) Piping and tubing utilized for the transmission of liquids having a health hazard ranking of 3 or 4 in accordance with NFPA 704 in pressurized piping above fifteen (15) psig shall be provided with excess flow control. When the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping or tubing originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

(e) Piping and tubing utilized for the transmission of liquids having a health hazard ranking of 3 or 4 in accordance with NFPA 704 shall be provided with readily accessible manual or automatic remotely activated fail-safe emergency shutoff valves at the following locations:

- i. The point of use.
- ii. The tank, cylinder or bulk source.

e. **Dispensing and mixing.** Dispensing and mixing of hazardous or other regulated materials must not be done in such a manner as to substantially increase the risk of fire or unauthorized discharge.

Dispensing and mixing of flammable or combustible liquids shall meet the following conditions:

1. Positive displacement pumps shall be provided with pressure relief discharging back to the tank, pump suction or other suitable location or shall be provided with interlocks to prevent overpressure.

2. When gases are introduced to provide for liquid transfer by pressure, only inert gases shall be used and controls, including pressure-relief devices, shall be provided to limit the pressure so that it cannot exceed the maximum working pressure of tanks, containers and piping systems. When devices operating through pressure with a tank or container are used, the tank or container shall be a pressure vessel approved for the intended use. Air or oxygen shall not be used for pressurization.

3. Liquids with closed-cup flash points below one hundred forty (140) degrees Fahrenheit in containers greater than five (5) gallon capacity shall be transferred by one (1) of the following methods:

- (a) From safety cans.
- (b) Through an approved closed piping system.
- (c) From containers or tanks by an approved pump taking suction through an opening in the top of the container or tank.
- (d) From containers or tanks by gravity through an approved self- or automatic-closing valve when the container or tank and dispensing operations are provided with spill control and secondary containment. Liquids with a flash point below seventy-three (73) degrees Fahrenheit and boiling point below one hundred (100) degrees Fahrenheit shall not be dispensed by gravity.

4. Liquids with a closed-cup flash point below seventy-three (73) degrees Fahrenheit and boiling point below one hundred (100) degrees Fahrenheit in containers greater than five (5) gallon capacity shall not be dispensed into containers unless the nozzle and containers are electrically interconnected. Acceptable methods of electrical interconnection include:

(a) Metallic floor plates on which containers stand while filling when such floor plates are electrically interconnected to the fill stem.

(b) Where the fill stem is bonded to the container during filling by means of a bond wire.

f. **Drainage system.** Drainage required to prevent accumulation of liquid within secondary containment shall be controlled by a drainage system approved by the city. The drainage system shall control the discharge flow in a manner that prevents hazardous or other regulated materials from being discharged to the environment, sanitary sewer or storm drain system in violation of local, state or federal discharge requirements.

g. **Empty containers.** Empty containers and tanks previously used for the storage of hazardous or other regulated materials shall be free from residual material and vapor as defined by D.O.T., Resource Conservation and Recovery Act (R.C.R.A.) or other regulating authority or maintained as specified for the storage of hazardous material. Tanks and containers, when empty, shall have the covers or plugs immediately replaced in openings.

**h. Flammable, oxidizing and pyrophoric gases.**

1. Low-melting-point materials, such as aluminum, copper and some brass alloys, or materials which soften on fire exposure, such as nonmetallic materials, or nonductile materials, such as cast iron, shall not be used for piping, valves or fittings conveying flammable, pyrophoric or oxidizing gases unless they are in accordance with one (1) of the following:

(a) Suitably protected against fire exposure by fire-resistive construction, gas cabinets, automatic fire sprinklers or other approved methods.

(b) Located so that any release resulting from failure will not unduly expose persons, buildings or structures.

(c) Located where leakage can readily be controlled by operation of an accessible, remotely located valve or valves.

2. Compressed gas systems conveying flammable, oxidizing or pyrophoric gases shall be provided with emergency shutoff systems that can be activated from each point of use and at each source. A readily accessible shutoff valve is acceptable for shutoff at the source.

3. Containers of liquefied flammable gases and flammable gases in solution shall be in the upright position or positioned such that the pressure-relief valve is in direct contact with the vapor phase of the container.

i. **General housekeeping.** Areas where hazardous or other regulated materials are stored (including empty containers previously storing hazardous materials) shall be neat and orderly and not obstruct exits or travel pathways.

j. **Grounding and bonding.** When liquids with a closed-cup flash point less than one hundred forty (140) degrees Fahrenheit are dispensed and where accumulation of static electricity or flammable vapors could occur, adequate grounding and bonding shall be provided. Grounding rods shall: (1) be composed of one-half (1/2) inch thick copper; (2) extend at least eight (8) feet into the ground; and (3) terminate in the ground. The container being dispensed from shall be bonded to the grounding rod or other grounded container via four (4) WG wires.

k. **High-temperature and low liquid-level control.** Process tanks and equipment which involve temperature control of the hazardous or other regulated material shall be provided with a high-temperature and low liquid-level shutoff or other acceptable limit controls for maintaining the temperature and product level within a safe range. These controls shall be maintained according to the manufacturer's specifications and shall be inspected by the owner/operator at a minimum of once per month as approved by the fire chief or his/her designee.

l. **Maintenance.** Defective containers, cylinders and tanks shall be removed from service, repaired or disposed of in an approved manner. Equipment, machinery and processes found to be defective shall be replaced, repaired or removed from service.

Aboveground stationary tanks not used for a period of ninety (90) days shall be properly safeguarded or removed in a manner approved by the fire chief or his/her designee. Such tanks shall have the fill line, gauge opening and pump connection secured against tampering. Vent lines shall be properly maintained. Tanks which are to be placed back into service shall be tested in a manner approved by the fire chief or his/her designee.

m. **Monitoring (leak detection).**

1. All storage facilities containing hazardous or other regulated materials which are liquids or solids at normal temperature and pressure shall be designed and constructed with leak detection systems capable of detecting escape of the hazardous or other regulated materials from the primary containment. No facility shall be placed into operation without an approved leak detection system.

2. Monitoring shall include visual inspection of the primary containment wherever practical; however, if the visual inspection is not practical, an alternative method of monitoring each storage facility on a monthly or more frequent basis may be approved by the city. The city will consider: (a) the magnitude and severity of the potential effects of discharges; (b) the reliability of the monitoring method or device based on past use history; (c) the quality of the installation of the monitoring device and associated hardware and software; (d) the ability of the permittee to properly perform or use the monitoring method or device; (e) the ability of the permittee to maintain the monitoring device in proper working order; (f) the quantity and quality of the manufacturer's testing and performance specifications; and (g) the quality and quantity of third-party testing of the monitoring method or device when determining the required monitoring method or device and monitoring frequency for a storage facility. Proposed monitoring methods and devices shall be approved by the city prior to installation and use by the permittee or applicant.

3. Method(s) of monitoring may include, but are not limited to, pressure testing, vacuum testing, hydrostatic testing, liquid sensors, pressure sensors, flow sensors and vapor analysis within well(s). Well installation shall be approved by the city and the Santa Clara Valley Water District.

4. Whenever monitoring devices are provided, they shall be connected to attention-getting visual and audible alarms. The alarms shall be located in areas normally staffed with personnel trained in emergency response procedures. Whenever monitoring devices or methods are provided, they shall be fully functional at all times. Facility owners/operators shall be able to provide back-up monitoring devices or methods approved by the city to be used in the event of failure of the primary monitoring system.

5. Whenever monitoring devices are provided they shall be tested at one of the following frequencies: (a) not less than annually; (b) in accordance with the approved manufacturer's requirements; or (c) in accordance with approved recognized industry standards.

6. Monitoring devices that have not been installed in the city or do not have a proven track record of use as determined by the fire chief or his/her designee may be approved by the city for up to six (6) months on a trial basis. Should the monitoring device not meet the owner/operator's minimum monitoring requirements, either due to faulty equipment, faulty installation, the inability of the device to meet the manufacturer's claims or specifications or other administrative or engineering problems, the owner/operator shall be required to remove the temporary monitoring device from service and install an approved monitoring device or method within fifteen (15) working days.

n. **Overfill protection (limit-level control) and overspill protection.** Containers used for the accumulation of hazardous or other regulated material liquids shall be equipped with a limit-level (overfill) control which will prevent overfilling of the containers, except for containers monitored by a system which will limit net content by weight. A limit-level control may include visual observation when the level of liquid in the container being filled is within sight of the operator and the filling device is within his/her immediate control. These controls shall be maintained according to the manufacturer's specifications and shall be inspected by the owner/operator at least monthly as approved by the fire chief or his/her designee.

o. **Protection from vehicles.** Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage. When guard posts are required, the posts shall meet the following criteria:

1. Constructed of steel not less than four (4) inches in diameter and concrete-filled.
2. Spaced not more than four (4) feet on center.
3. Set not less than three (3) feet deep in a concrete footing of not less than a fifteen (15) inch diameter.
4. Set with the top of the post not less than three (3) feet above ground.
5. Located not less than five (5) feet from the tank.

The area surrounding an exterior storage area or aboveground tank shall be kept clear of combustible materials for a minimum distance of thirty (30) feet.

p. **Safety storage cabinets.** When safety storage cabinets are used to store hazardous or other regulated materials, they shall comply with the following:

1. Constructed of metal.

2. Interior surfaces shall be lined, coated or constructed of material that is nonreactive and compatible with the hazardous or other regulated materials stored.
3. Steel thickness of not less than 0.044 inch (18 gauge).
4. Cabinet and doors shall be double-walled with one and one-half (1.5) inches air space between the walls.
5. Joints shall be riveted or welded and shall be tight-fitting.
6. Doors shall be well-fitted and self-closing. Safety storage cabinets for toxics and highly toxics shall also be equipped with a self-latching device.
7. Cabinet bottom shall be liquid-tight to a minimum of two (2) inches.
8. Shall be labeled as per the requirements of Sec. 24.3.9 of this chapter.

q. **Secondary containment.** Secondary levels of containment shall be required for all new storage facilities (constructed or installed after January 1, 1984) intended for the storage of hazardous materials which are liquids or solids at normal temperature and pressure unless exempted by the city. Secondary levels of containment may be required for existing storage facilities (those in business prior to January 1, 1984) if it is determined by the fire chief or his/her designee that the primary containment is not providing suitable storage. "Suitable storage" shall be determined by and based on a number of factors, including the age of the containment, condition and integrity of the containment, amount of spillage on or around the containment, proximity of the containment to storm drains, sewers or other environmentally sensitive receptors, general housekeeping practices in maintaining the containment, etc.

1. All primary containment shall be product-tight.
2. Secondary containment:

(a) All secondary containment shall be constructed of materials of sufficient thickness, density and composition so as not to be structurally weakened as a result of contact with the discharged hazardous materials and so as to be capable of containing hazardous materials discharged from a primary container for a period of time equal to or longer than the maximum anticipated time sufficient to allow detection and recovery of the discharged hazardous or other regulated material.

(b) In the case of an installation with one (1) primary container, the secondary containment shall be large enough to contain at least one hundred ten (110) percent of the volume of the primary container.

(c) In the case of a storage facility with multiple primary containers, the secondary container shall be large enough to contain one hundred fifty (150) percent of the volume of the largest primary container placed in it or ten (10) percent of the aggregate internal volume of all primary containers in the storage facility, whichever is greater.

(d) Secondary containment shall not provide for the accumulation or storage of liquids (hazardous material liquids, precipitation, condensate, etc.).

(e) If the storage facility is equipped with an automatic fire extinguishing system, then the secondary containment shall be able to additionally accommodate the fire extinguishing system flow for a period of twenty (20) minutes.

3. Laminated, coated or clad materials shall be considered single-walled and shall not be construed to fulfill the requirements of both primary and secondary containment.

r. **Separation of materials.** Materials that in combination may cause a fire or explosion or the production of a flammable, toxic or poisonous gas or the deterioration of a primary or secondary container shall be separated in both the primary and secondary containment so as to avoid potential intermixing. Separation shall be accomplished by:

1. Segregating incompatible materials storage by a distance of not less than twenty (20) feet and an independent secondary containment system. This twenty (20) foot distance is not required if the secondary containment systems for the incompatible materials can be shown to completely isolate all possible spillage (including container falling if containers are stacked on top of one another) so that intermixing cannot occur.

2. Isolating incompatible materials storage by a noncombustible partition extending not less than eighteen (18) inches above and to the sides of the stored material.

3. Storing liquids and solid materials in hazardous materials storage cabinets.

4. Storing compressed gases in gas cabinets or exhausted enclosures.

Materials which are incompatible shall not be stored within the same cabinet or exhausted enclosure.

s. **Shelf storage.** Shelves used for storing hazardous or other regulated material shall be of substantial construction and adequately braced and anchored to an immovable object. The face of each shelf shall be provided with a nonflexible lip or guard to prevent individual containers from falling off except when contained inside an approved hazardous materials safety storage cabinet.

t. **Shock-sensitive materials.** Materials which are shock-sensitive shall be padded, suspended or otherwise protected against accidental dislodgement and dislodgement during seismic activity. For seismic requirements, see Mountain View City Code (MVCC), Chapter 8, and the California Building Code as amended.

u. **Spill control for hazardous material liquids.** Rooms, buildings or areas used for storage of hazardous material liquids shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one (1) of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.

2. Liquid-tight floors in indoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.

3. Sumps and collection systems.

4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

v. **Temperature control.** Hazardous or other regulated materials which must be stored at temperatures other than ambient temperature to prevent a hazardous reaction shall be stored in approved areas or containers which provide a means to maintain the temperature within a safe range. Redundant temperature control which will operate upon failure of the primary temperature control system shall be provided. Alternate means to prevent a hazardous materials reaction may be provided. These controls shall be maintained according to manufacturer's specifications and shall be inspected by the owner/operator at least monthly as approved by the fire chief or his/her designee.

w. **Transportation of hazardous or other regulated materials inside facilities.**

1. Hazardous or other regulated material liquids in containers exceeding a five (5) gallon capacity in an exit corridor or exit enclosure shall be transported on a cart or truck. Containers of hazardous or other regulated materials having a hazard ranking of 3 or 4 in accordance with NFPA 704 transported within exit corridors or exit enclosures shall be on a cart or truck. The following exceptions apply:

(a) Two (2) hazardous materials liquid containers which are hand-carried in acceptable safety carriers.

(b) Single drums not exceeding fifty-five (55) gallons which are transported by suitable drum trucks.

(c) Containers and cylinders of compressed gases which are transported by approved hand trucks and containers and cylinders not exceeding twenty-five (25) pounds which are hand-carried.

(d) Solid hazardous or other regulated materials not exceeding one hundred (100) pounds which are transported by approved hand trucks and a single container not exceeding fifty (50) pounds which is hand-carried.

2. When carts or trucks are required, they shall meet the following requirements:

(a) They shall be designed to provide a stable base for the commodities to be transported and shall have a means of restraining containers to prevent accidental dislodgement.

(b) They shall be provided with a device which will enable the operator to safely control movement by providing stops or speed-reduction devices.

(c) They shall be constructed of material compatible with the material transported and be of substantial construction.

(d) They shall be capable of containing the largest single container transported.

(e) They shall not obstruct or be left unattended within a part of an exit.

(f) They shall not be used to transport incompatible materials together.

x. **Travel path clearance.** When hazardous or other regulated materials are moved into or out of a storage facility, they shall remain in the travel path only for the time reasonably necessary to transport the material and such movement shall be in a manner which will not result in an unauthorized discharge.

y. **Ventilation.** Indoor storage areas and storage buildings shall be provided with mechanical exhaust ventilation or natural ventilation where natural ventilation can be shown to be acceptable for the materials as stored. Signs indicating that the ventilation provided is not acceptable include corrosion of fixtures, high vapor levels, etc. If the ventilation is not acceptable, the fire chief or his/her designee may request professional assistance as described in Sec. 24.1.4 to help in determining the size, amount and location of additional ventilation required.

1. Exhaust ventilation shall be arranged to consider the density of the potential fumes or vapors released. For fumes or vapors that are heavier than air, exhaust shall be taken from a point within twelve (12) inches of the floor.

2. The location of both the exhaust and inlet air openings shall be arranged to provide air movement across all portions of the floor or room to prevent the accumulation of vapors.

3. Exhaust ventilation shall not be recirculated within the room or building if the materials stored are capable of emitting hazardous vapors.

z. **Alternative means and methods.** The fire chief or his/her designee is authorized to approve alternate materials, methods or engineering controls provided the fire chief or his/her designee finds that the proposed materials, methods or engineering controls satisfactorily comply with the intent of this section and the materials, methods or engineering control are at least equivalent to that prescribed in this section in quality, strength, effectiveness, resistance, durability and safety.

Requests for approval to use an alternate facility, materials, methods or engineering controls shall be made in writing to the fire chief or his/her designee and shall be accompanied by a full statement of the conditions. Sufficient evidence or proof shall be submitted to substantiate any claim that may be made regarding its performance. The fire chief or his/her designee may require tests and the submission of a test report from an approved testing organization to substantiate the equivalency of the proposed alternate facility, materials, methods or engineering controls.

Approval of a request for use of an alternate facility or engineering control shall be limited to the particular case covered by request and shall not be construed as establishing any precedent for any future request.

#### **SEC. 24.3.1. Abandoned storage facilities.**

a. No storage facility shall be abandoned.

b. Storage facilities which are temporarily out of service, and are intended to be returned to use, must continue to be monitored and inspected.

c. Any storage facility which is not being monitored and inspected in accordance with this chapter must be closed or removed in a manner approved by the city in accordance with Sec. 24.7.2.

d. Any person, firm or corporation having an interest, including a leasehold interest, in real property and having reason to believe that an abandoned storage facility is located upon such property shall make a diligent effort to locate such storage facility and take necessary actions to comply with this section.

e. Whenever an abandoned storage facility is located, a plan for the closing or removing or the upgrading and permitting of such storage facility shall be filed within ninety (90) days of its discovery. A closure plan shall conform to the standards specified in Sec. 24.7.2.

#### **SEC. 24.3.2. Maintenance, repair or replacement.**

a. Permittee will carry out maintenance, ordinary upkeep, and minor repairs in a careful and safe manner. No permit or other approval will be required for such maintenance and upkeep.

b. Any substantial modification or repair of a storage facility other than minor repairs or emergency repairs shall be in accordance with plans to be submitted to the city and approved in accordance with Sec. 24.3.0.d. prior to the initiation of such work.

c. Permittee may make emergency repairs to a storage facility in advance of seeking an additional permit approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment. However, within five (5) working days after such emergency repairs have been started, permittee shall seek approval by submitting drawings or other information adequate to describe to the city the repairs.

d. Replacement of any storage facility for hazardous materials or other regulated materials must be in accordance with this chapter, including secondary containment requirements for new facilities in Sec. 24.3.0.q. of this chapter.

#### **SEC. 24.3.3. Secured facilities.**

Access to the storage facilities shall be secured by means of fences and/or locks. The access to the storage facilities shall be kept securely locked when unattended. Secured buildings or perimeter site security may be accepted as an alternative to locking individual storage facilities.

#### **SEC. 24.3.4. Spill prevention and cleanup equipment.**

Spill prevention and cleanup equipment shall be provided which is reasonable and appropriate for potential emergencies presented by the stored hazardous or other regulated materials. Such equipment shall be regularly tested and adequately maintained. Training in the use of such equipment shall be in accordance with Sec. 24.4.3.

#### **SEC. 24.3.5. Posting of emergency evacuation procedures.**

When simplified emergency evacuation procedures are required under Sec. 24.4.3 of this chapter, they shall be posted conspicuously in locations where hazardous or other regulated materials are stored and include a map of the facility showing evacuation routes and telephone numbers to obtain help or summon emergency responders.

#### **SEC. 24.3.6. Materials safety data sheets.**

Materials safety data sheets (MSDS) for all hazardous or other regulated materials regulated by this chapter shall be kept up to date and be readily available on the

premises for review by facility personnel or city inspectors. MSDSs shall be provided to city inspectors on request.

**SEC. 24.3.7. Smoking in storage facilities.**

Smoking shall not be permitted in any room where hazardous or other regulated materials are stored or handled, nor within twenty-five (25) feet of outdoor storage areas. The use of open flames or high-temperature devices in a manner which creates a hazardous condition shall not be permitted.

**SEC. 24.3.8. Placarding.**

NFPA 704M diamond placards shall be placed at entrances to locations where hazardous materials are stored or handled, as per the requirements of the fire chief or his/her designee. Placard numbering shall reflect the material posing the highest degree of hazard in the storage facility in a reasonable quantity. In addition, all aboveground storage tanks located outside of buildings shall be placarded with the NFPA 704M diamond placard for the specific material they contain.

Placards shall meet the following criteria:

1. Of durable construction such that they are not defaced or faded during normal operations;
2. Minimum size of ten (10) inches by ten (10) inches with four (4) inch letters for aboveground storage tanks and external doors (doors entering the facility from the outside); and
3. Numbers are contrasting to background.

**SEC. 24.3.9. Labeling.**

a. **General.** Markings described below shall meet the following general requirements:

1. Markings shall be made of durable materials and shall be replaced as needed due to normal aging and fading.
2. Markings shall be in English. Markings in other languages shall be provided where appropriate.
3. Unless otherwise specified, lettering shall be large enough to be read from a distance of twenty (20) feet.
4. Lettering shall contrast highly with the background.
5. Markings shall not be located where they might be obstructed (e.g., by open doors, equipment, etc.). Drums with side markings or labels shall be positioned with the markings/labels facing outward.

b. Chemical storage areas, drum and container storage areas, rooms, sheds and cylinder rack storage areas shall be marked as described below:

1. With signs showing the hazard class(es) of the chemical(s) stored.
2. Empty container storage areas shall be clearly identified as such.

c. Compressed gases and liquefied gases shall be marked as described below:

1. Gas cylinders shall have marked on the cylinder body or on an attached label the chemical name and hazard class of each gas contained within and, in the case of mixtures, the percentage or parts per million concentration of the hazardous constituents. This information shall be visible from the front side of the cylinder. If the D.O.T. label is not readily visible, a label indicating the D.O.T. hazard class of the gas shall be placed above the cylinder.

2. Gas cabinets shall be marked with the same information as required on cylinders.

3. Excess flow control valves shall be marked to indicate the maximum design flow rate based on air under standard conditions.

d. Piping and tubing containing hazardous material liquids and gases shall be marked as described below:

1. All piping and tubing shall be marked at intervals no greater than twenty (20) feet with the name of the material contained and the direction of flow. Piping and tubing shall be marked at each point where changes in direction occur and where wall, ceiling or floor penetrations occur. Where piping and tubing is shorter than twenty (20) feet in length, such markings shall appear at least once along the piping and tubing run. Where supplementary color identification of piping is used, it shall be in accordance with the hazardous materials and colors indicated in nationally recognized standards as referenced in the California Fire Code;

2. Piping and tubing containing water, compressed air, gas exhaust or other nonhazardous materials may be required to be marked as described in Sec. 24.3.9.d.1, above, if this tubing or piping is contained in the same location or room as tubing or piping containing hazardous or other regulated materials or if so directed by the fire chief or his/her designee.

3. Emergency control valves and shutoff valves shall be marked to indicate their function.

e. Safety cans shall be marked with the chemical name and hazard class of the liquid contained within.

f. Open tanks, vats and baths shall be marked as described below:

1. Open tanks, vats and baths shall be identified with a marking on the tank or on a wall directly behind the vessel. The marking shall show the chemical name, hazard class and percentage concentration of the single highest hazardous material, including constituents of mixtures or solutions contained within the vessel.

2. Rinse-dragout tanks shall be marked "Rinse Water" or equivalent.

g. Aboveground storage tanks shall be marked as described below:

1. With a marking on the tank which shows the chemical name.
2. Aboveground storage tanks containing liquid cryogenics shall also be marked per the following examples:

	If liquid oxygen is stored	If liquid hydrogen is stored
Tank marking:	LIQUEFIED OXYGEN	LIQUEFIED HYDROGEN FLAMMABLE GAS
Storage site marking:	OXYGEN NO SMOKING NO OPEN FLAMES WITHIN TEN FEET (10')	LIQUEFIED HYDROGEN FLAMMABLE GAS NO SMOKING NO OPEN FLAMES WITHIN FIFTY FEET (50')

3. Aboveground storage tanks containing water, process cooling water, rinse water, deionized water, etc., shall be marked with the name of the material contained.

h. Safety storage cabinets shall be marked as described below:

1. With the hazard class(es) of the materials contained.
2. Safety storage cabinets used for the storage of flammable liquid shall display a conspicuous label in red letters on a contrasting background which reads "FLAMMABLE—KEEP FIRE AWAY."
3. Cabinets used for hazardous materials other than flammable liquids shall display a conspicuous label in red letters on a contrasting background which reads "HAZARDOUS—KEEP FIRE AWAY."

#### DIVISION IV. HAZARDOUS MATERIALS BUSINESS PLAN.

##### SEC. 24.4.0. Hazardous materials business plan.

a. Each applicant for a permit pursuant to this chapter shall electronically file a plan, for the city's approval, to be known as a hazardous materials business plan (HMBP), which shall demonstrate the safe storage and handling of hazardous or other regulated materials and emergency response capabilities of the applicant. The HMBP shall be electronically reported in accordance with Division I of this chapter. Approval of the HMBP shall mean the facility has provided adequate information for the purposes of evaluating the permit approval. Such approval shall not be understood to mean the city has made an independent determination of the adequacy of that which is described in the HMBP or that the applicant has complied with other codes or ordinances.

b. Within thirty (30) days of any of the events listed below, any business subject to this chapter shall submit an amendment to the HMBP:

1. Any changes in the information required on the Business Owner/Operator portion of the HMBP;
2. Any change in the information required on the facility storage map portion of the HMBP;

3. Any change of one hundred (100) percent or more in the quantity or any change in the quantity range of a previously disclosed hazardous or other regulated material, or the handling of a previously undisclosed hazardous or other regulated material required on the hazardous materials inventory statement portion of the HMBP;

4. Any change in the information required on the emergency response plan (contingency plan) portion of the HMBP.

c. If the city determines the handler's HMBP is deficient in any way, the city shall notify the handler of these defects. The handler shall submit a corrected HMBP within thirty (30) days of this notice. If a handler fails after reasonable notice to amend their electronically submitted HMBP to accurately disclose the required information, the city may take appropriate action to enforce this chapter, including the imposition of civil and criminal penalties specified in this chapter.

#### **SEC. 24.4.1. Public record access and trade secrets.**

The HMBP is a public record except for facility storage maps, or as otherwise specified. The information contained therein is subject to trade secret protection pursuant to Health and Safety Code Sec. 25511. The city may refuse access to this record when such disclosure could jeopardize ongoing civil or criminal investigation or litigation.

Persons requesting access to any portion of the HMBP will be required to complete an application for release of information. The application will require:

1. The person's name, address and telephone number;
2. The name and address of the person, business, or governmental agency such person represents;
3. The purpose for which the access is requested; and
4. The identity of the specific files to be examined or request to be copied, including street address and company name (Health and Safety Code Sec. 25506 requires all HMBPs to be indexed by street address and company name).

The fire chief or his/her designee will have ten (10) days prior to permitting the review or providing copies to: verify the applicant's identity; determine whether any of the materials requested are exempt from disclosure; and, if necessary, inform the business whose HMBP has been requested.

#### **SEC. 24.4.2. Hazardous materials business plan (HMBP).**

The hazardous materials business plan (HMBP) must be submitted electronically and updated annually at a minimum. The HMBP shall include the data fields required in Title 27 of the California Code of Regulations as well as all locally required fields.

a. **Facility storage map.** The facility storage map shall be of a legible scale. The information is provided for purposes of ensuring the suitable and secure storage of hazardous or other regulated materials and for the protection and safety of emergency response personnel of the city. The city shall take reasonable precautions to ensure the confidentiality of the information provided on the facility storage map and shall not disclose this information to the public unless ordered to do so by a court of competent jurisdiction.

1. The facility storage map shall depict the entire hazardous materials storage facility, including all interior and exterior spaces/rooms.

2. The facility storage map shall identify (numerically or alphabetically) the location of each hazardous materials storage location. This location shall correlate with the hazardous materials inventory statement.

3. The facility storage map shall indicate the locations of emergency equipment related to each storage facility, building orientation, locations of emergency utilities (gas, water, electric), storm drain locations, sanitary sewer locations, lockbox (Knox box) locations, locations of MSDSs, and adjacent and cross streets, and the general purpose/use of the other areas within each facility.

4. Applicant or permittee may be required to provide such other information on the facility storage map as the fire chief or his/her designee deems necessary and consistent with the general obligation of this chapter for protection of the health, safety or welfare of persons, resources or property.

**b. Variation in information.**

1. Additional information may be required in the HMBP where such information is reasonably necessary to meet the intent of this chapter.

2. Requirements for information in the HMBP may be waived where such information is not reasonably necessary to meet the intent of this chapter.

**SEC. 24.4.3. Supplemental requirements for emergency response plans (contingency plan).**

a. In addition to the HMBP requirements set forth in this chapter, any person, firm or corporation which stores, uses or handles hazardous or other regulated material in excess of the exempt amounts specified in Sec. 24.2.1, shall establish and implement a plan for emergency response (contingency plan) for a release or threatened release of a hazardous or other regulated material pursuant to this section. The emergency response plan (contingency plan) shall be submitted electronically with the HMBP.

b. Unless the facility is otherwise exempt as set forth in this chapter, the following information shall be provided:

1. Emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous or other regulated material which includes, but shall not be limited to, the following:

(a) Immediate notification to the city, the city fire department and the State Office of Emergency Services;

(b) Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property or the environment;

(c) Evacuation plans and procedures for the business site, including immediate audible notice and warning to all persons on the site.

c. Training shall be provided for all new employees, in addition to annual training, including refresher courses for all employees, in safety procedures to be utilized in the event of a release or threatened release of a hazardous or other regulated material. Such training shall include, but not be limited to, familiarity with the plans

and procedures specified above. These training programs shall take into consideration the technical and managerial responsibilities of each employee.

Responsible persons shall be designated and trained to be liaison personnel for the fire department. These persons shall aid the fire department in preplanning emergency responses and identification of the locations where hazardous or other regulated materials are located, shall have access to material safety data sheets and shall be knowledgeable in the site emergency response plan and procedures.

d. Any business required to file a pipeline operations contingency plan in accordance with the California Pipeline Safety Act of 1981 (Chapter 5.5 (commencing with Sec. 51010) of Part 3 of Division 1 of Title 5 of the Government Code) and the regulations of the Department of Transportation, found in Part 195 of Title 49 of the Code of Federal Regulations, may file a copy of those plans with the city in lieu of the emergency response plan specified in subdivision (a), above.

e. Any business operating a farm exempted by Paragraph (5) of subdivision (b) of Sec. 25503.5 of the Health and Safety Code from filing the information specified in subdivisions (a) and (b) shall, notwithstanding this exemption, provide the training programs specified in subdivision (c).

f. Emergency response plans and procedures shall be available for public inspection during regular working hours, as described under Sec. 24.4.1, except for those portions of such plans, including any maps of the facility as described in this chapter, specifying the precise location where hazardous or other regulated materials are stored and handled on-site.

#### **DIVISION V. RESPONSIBILITY.**

##### **SEC. 24.5.0. Reporting unauthorized discharge.**

a. **Liquids and solids at normal temperature and pressure.** As soon as any person in charge of a storage facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed unauthorized discharge of a hazardous or other regulated material which is liquid or solid at normal temperature and pressure, such person shall take all necessary steps to ensure the discovery, containment and cleanup of such discharge and shall notify the city of the occurrence as required by this subsection.

##### **1. Confirmed unauthorized discharge.**

(a) **Recordable unauthorized discharge.** Any recordable unauthorized discharge shall be contained and safely disposed of in an appropriate manner and such occurrence and the response thereto shall be recorded in the person's, firm's or corporation's monitoring records. A recordable unauthorized discharge is any unauthorized discharge of a hazardous or other regulated material which meets all of the following criteria:

i. The discharge is from a primary containment to a secondary containment or to a rigid aboveground surface covering capable of containing the discharge until cleanup of the hazardous or other regulated material is completed; and

ii. The discharge is able to be adequately cleaned up before it escapes from such secondary containment or such aboveground surface, but if the cleanup requires more than eight (8) hours, it becomes a reportable discharge in accordance with Sec. 24.5.0.a.1(b) below; and

iii. There is no increase in the hazard of fire or explosion, nor is there any production of a flammable or poisonous gas, nor is there any deterioration of such secondary containment or such rigid, aboveground surface.

iv. An otherwise recordable unauthorized discharge does not need to be recorded if the discharge is not the result of the deterioration or failure of the primary container, the quantity discharged is less than one (1) ounce by weight and the discharge can be cleaned up within fifteen (15) minutes.

(b) **Reportable unauthorized discharge.** Any unauthorized discharge which is determined not to be recordable under subsection 24.5.0.a.1(a) above, must immediately be reported to city's fire department via the 9-1-1 emergency number. The reporting party shall indicate the ability of the responsible party to contain and dispose of the hazardous or other regulated material, the estimated time it will take to complete containment and disposal, and the degree of hazard created. The city may verify that the hazardous or other regulated material is being adequately contained and appropriately disposed. At any time the city determines the party performing the containment or disposal: (a) is not adequately containing or disposing of such hazardous or other regulated materials; (b) is not adequately trained to do so; (c) does not have adequate resources or supplies to do so; or (d) does not have a practical or safe containment or disposal plan, the city shall have the power and authority to undertake and direct an emergency response in order to protect the public health, safety and/or welfare and the environment. Costs associated with such emergency response shall be borne by the owner, operator or other person responsible for the unauthorized discharge.

Within fifteen (15) calendar days of a reportable discharge, the responsible party shall submit a written report to the city, including:

i. A description of the incident, including actions taken by facility personnel during and immediately following the reportable discharge;

ii. A determination of the cause or causes of the reportable discharge;

iii. Administrative and engineering controls which the responsible party proposes to implement to reduce the likelihood of a reportable discharge recurring;

iv. The target date for completing implementation of such controls; and

v. The signature of a corporate officer of the responsible facility.

## 2. **Unconfirmed unauthorized discharge.**

(a) **Indication of loss of inventory.** Whenever a material balance, inventory record, or monitoring detection system employed as a monitoring technique under the HMBP indicates a loss of hazardous or other regulated material, and no unauthorized discharge has been confirmed by other means, the responsible party shall immediately record such discrepancy in his/her monitoring records, immediately notify the fire department's environmental safety division of the discrepancy, and determine, within five (5) business days, whether or not there has been an unauthorized discharge. If, before the end of such period, it is determined there has been no unauthorized discharge, an entry explaining the occurrence shall be made in the responsible party's monitoring records. Where the responsible party has not been able, within such period, to determine there has been no unauthorized discharge, an

unauthorized discharge is deemed confirmed and the responsible party shall proceed in accordance with subsection 24.5.0.a.1(b) above.

(b) **Test results.** Whenever any test results suggest a possible unauthorized discharge, and no unauthorized discharge has been confirmed by other means, the responsible party shall immediately notify the environmental safety division of the possible discharge and shall perform two (2) retests, at least twenty-four (24) hours apart, within five (5) business days. If both retest results establish there has been no unauthorized discharge, the results of all three (3) tests shall be recorded in the responsible party's monitoring records. If it has not been established within such period that there has been no unauthorized discharge, an unauthorized discharge is deemed confirmed and the responsible party shall proceed in accordance with subsection 24.5.0.a.1(b) above.

(c) **Fire.** Whenever a fire occurs in a facility which has or should have a hazardous materials permit, regardless of whether or not any hazardous or other regulated materials were involved, the responsible party shall immediately notify the fire department via the 9-1-1 emergency number. Within fifteen (15) working days of the fire, the responsible party shall submit a written report to the city, including:

- i. A description of the incident, including the actions taken during and immediately following the fire by facility personnel;
- ii. A determination of the cause or causes of the fire;
- iii. Administrative and engineering controls which the responsible party proposes to implement to reduce the likelihood of a fire recurring;
- iv. The target date for completing implementation of such controls; and
- v. The signature of a corporate officer of the responsible facility.

If both a fire and hazardous materials release has occurred, only one (1) report need be submitted.

b. **Gases at normal temperature and pressure.** Any person in charge of a storage facility or responsible for emergency response for a storage facility, who has knowledge of any unauthorized discharge of a hazardous material which is a nonflammable gas at normal temperature and pressure, must immediately report such discharge to the city fire department via the 9-1-1 emergency number if such discharge presents a threat of imminent danger to public health, safety and/or the environment. All other gas releases shall be reported immediately to the city fire department via the 9-1-1 emergency number.

#### **SEC. 24.5.1. Cleanup responsibility.**

Any person, firm or corporation responsible for releasing hazardous or other regulated material shall institute and complete all actions necessary to remedy the direct or potential effects of any unauthorized discharge. The city shall undertake actions to remedy the effects of such unauthorized discharge only if it determines it is reasonably necessary under the circumstances for the city to do so. The responsible party shall reimburse the city for all costs incurred by the city in remedying the effects of such unauthorized discharge, including the costs of fighting fires, to the extent allowed by law. This responsibility is not conditioned upon evidence of willfulness or negligence of the party storing or handling the hazardous or other regulated material(s) in causing or allowing such discharge or unsafe condition. Any responsible party who

undertakes action to remedy the effects of unauthorized discharge(s) shall not be barred by this chapter from seeking to recover appropriate costs and expenditures from other responsible parties except as provided by Sec. 24.5.2.

**SEC. 24.5.2. Indemnification.**

The responsible party shall indemnify, hold harmless and defend the city against any claim, cause of action, disability, loss, liability, damage, cost or expense, howsoever arising, which occurs by reason of an unauthorized discharge or unsafe condition in connection with the responsible party's operations, except as arises from the city's sole active negligence.

**DIVISION VI. INSPECTIONS AND RECORDS.**

**SEC. 24.6.0. Inspections by the city.**

The city may conduct inspections, at its discretion, for the purpose of ascertaining compliance with this chapter and causing to be corrected any conditions which would constitute any violation of this chapter or of any other statute, code, rule or regulation affecting the storage or handling of hazardous or other regulated materials.

Permittees are not required to disclose the identity of hazardous or other regulated materials protected as trade secrets pursuant to Sec. 24.4.1 to anyone other than city officials, except in the case of an emergency response or an unauthorized discharge related to the storage facility in which the trade secret material is contained.

a. **Right of entry.** Whenever necessary for the purpose of investigating or enforcing the provisions of this chapter, or whenever any enforcement officer has reasonable cause to believe that there exists in any structure or upon any premises, any condition which constitutes a violation of this chapter, said officers may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officers by law; provided that if such structure or premises be occupied, the officer shall first present proper credentials and request entry and, further provided, that if such structure or premises is unoccupied, the officer shall first make a reasonable attempt to contact a responsible person from such firm or corporation and request entry, except in emergency circumstances. If such entry is refused, the officer seeking entry shall have recourse to every remedy provided by law to secure entry.

b. **Inspections by city—Discretionary.** All inspections specified herein shall be at the discretion of the city and nothing in this chapter shall be construed as requiring the city to conduct any such inspection nor shall any actual inspection made imply a duty to conduct any other inspection. Furthermore, nothing in this chapter shall be construed to hold the city or any officer, employee or representative of the city responsible for any damage to persons or property by reason of making an inadequate or negligent inspection or by reason of any failure to make an inspection or reinspection.

**SEC. 24.6.1. Inspections by permittee.**

The permittee shall conduct regular inspections of its own facilities to assure compliance with this chapter and shall maintain logs or file reports in accordance with this chapter. The inspector conducting such inspections shall be qualified to conduct such inspections.

**SEC. 24.6.2. Special inspections.**

In addition to the inspections specified above, the city may require the periodic employment of special inspectors to conduct an audit or assessment of permittee's facility to make a hazardous or other regulated material safety evaluation and to determine compliance with the provisions of this chapter.

a. The special inspector shall be a qualified person or firm who shall demonstrate expertise to the satisfaction of the city.

b. The special inspection report shall include an evaluation of the facilities and recommendations consistent with the provisions of this chapter where appropriate. A copy of the report shall be filed with the city at the same time that it is submitted to permittee.

c. Permittee shall, within thirty (30) days of said report, file with the city a plan to implement all recommendations, or shall demonstrate to the satisfaction of the city why such recommendations shall not be implemented.

**SEC. 24.6.3. Substituted inspections.**

An inspection by an employee of any other public agency may be deemed by the city as a substitute for any requirement above.

**SEC. 24.6.4. Maintenance of records.**

All records required by this chapter shall be maintained by the permittee for a period of not less than three (3) years. Said records shall be made available to the city during normal working hours and upon reasonable notice, or copies of these records shall be sent to the city, if the city so requests.

**DIVISION VII. APPLICATIONS AND PERMITS.**

**SEC. 24.7.0. Permit.**

a. It shall be unlawful for any person, firm or corporation to store, use or handle any hazardous or other regulated materials in excess of the exempt amounts specified in Sec. 24.2.1 without first obtaining a permit for the storage and handling of the hazardous or other regulated materials. Furthermore, it shall be unlawful for any person, firm or corporation to store or handle hazardous or other regulated materials in quantities in excess of the quantities specified in the permit, or to violate any other requirement set forth in this chapter or in the permit.

b. The permit for hazardous or other regulated material storage, use and handling may include the following: (1) name and address of the permitted facility; (2) mailing address; (3) issue, revision and expiration dates of the permit; (4) type of permit (full-term, temporary or provisional); (5) maximum quantities and hazard classes of hazardous or other regulated materials allowed on site at any one time; and (6) compliance directives specifying maintenance and/or upgrade requirements and dates for complying with these requirements. The permit may impose any additional terms or conditions upon the applicant which the fire chief or his/her designee deems reasonable and necessary to carry out the purposes of this chapter.

c. A full-term permit may be issued to the applicant if:

1. The applicant has complied with all reporting requirements of this chapter;

2. The applicant has furnished all requested information, including a complete permit application as described in this chapter;

3. The fire chief or his/her designee determines there are adequate devices, equipment, chemicals, administrative controls, engineering controls and other facilities to safely store and handle the hazardous or other regulated materials;

4. The person(s) responsible for emergency spill response and control are adequately trained and capable of consistently meeting permit requirements; and

5. The applicant has paid all hazardous materials program fees.

d. Permits shall be valid for a term of no more than one year (365 days).

e. If the officer to whom the application has been made finds the proposal does not completely conform to the provisions of this chapter or meet the conditions of Sec. 24.7.0.c. above, the officer may approve a provisional permit, subject to conditions to be imposed by the officer. The applicant must be informed in writing of the reasons why a full-term permit was not issued.

f. A permit for temporary storage may be issued where storage does not exceed thirty (30) days and occurs no more frequently than every six (6) months. The storage, use, handling and dispensing standards of Division III, the HMBP reporting requirements of Division IV and the inspection and records requirements of Division VI may be modified as appropriate under these circumstances for the storage of hazardous or other regulated materials on a nonregular basis.

g. If the officer to whom the permit application has been made has cause to deny the issuance of a full-term permit and determines it would not be feasible or in the public interest to approve a temporary or provisional permit, the officer shall deny issuance of a permit. A permit shall be denied if the applicant fails to demonstrate adequate conformity to the provisions of this chapter, or if issuance of a permit would threaten the health, safety or welfare of the community, persons, resources or property. The decision to deny the permit shall be given to the applicant in writing setting forth the findings upon which the decision is based.

h. No permit shall become effective until the permit has been signed by the fire chief or his/her designee.

i. A change of ownership (including a transfer of the majority of shares in a corporate facility) of the hazardous materials storage facility requires the submittal of an amended permit application. The permit may be transferred to new owners of the same business only if the new owners accept responsibility for all obligations under this chapter and all permit conditions at the time of the transfer of the business and document such transfer in writing within thirty (30) days of transfer of ownership of the business. Such transfer shall be subject to the approval of the city.

j. Any permittee desiring to store, handle or dispense hazardous or other regulated materials which are not in conformance with the hazardous materials permit shall apply for and obtain an amended permit prior to any such storage, handling or dispensing.

k. The continued use of, and permit approval for, existing storage facilities is subject to review and modification or termination by the city whenever: (1) there has been any unauthorized discharge or significant reduction in the integrity of primary or secondary containment; (2) the permit is renewed; (3) significant changes in hazardous materials processes occur; (4) there is a change of one hundred (100) percent or more in

the quantity or any change in the quantity range of a previously disclosed hazardous or other regulated material, or the handling of a previously undisclosed hazardous or other regulated material; or (5) the city is required to implement programs or policies required by state or federal agencies.

1. The fire chief or his/her designee shall reinstate any suspended hazardous materials permit upon proof of the following:

1. Satisfactory ability to comply with all storage and handling requirements; and

2. The payment of costs, fines or penalties which may be assessed. The fire chief or his/her designee may require the permit holder to develop and implement a compliance schedule for any proposed modification of permit terms and conditions.

m. A permit may be issued for a term of up to five (5) years, excepting provisional permits which may be issued for any period of time up to six (6) months and temporary permits which may be issued for no longer than thirty (30) days.

n. Notwithstanding Sec. 24.2.1 and in addition to those materials regulated pursuant to Sec. 24.2.0, a permit shall be required for the storage in an underground storage tank as defined by California Health and Safety Code Sec. 25281(y) of any material defined as a hazardous substance by California Health and Safety Code Sec. 25316.

#### **SEC. 24.7.1. Application for permit.**

a. Applicants for a permit to store, use, handle or dispense hazardous or other regulated materials shall electronically file a HMBP and obtain approval by the city for each facility storing, using, handling or dispensing the hazardous or other regulated materials in excess of the exempt amounts specified in Sec. 24.2.1

b. The HMBP shall serve as the basis of the hazardous materials permit application. Construction plans, specifications, calculations and other additional information may also be required as part of the application in order for the fire chief or his/her designee to determine the storage and handling of the hazardous or other regulated materials will be conducted in a manner which meets the purposes of this chapter.

c. Every application for the renewal of a permit or extension of a provisional permit shall be made at least thirty (30) days prior to the expiration date of such permit. If a timely application for renewal has been submitted, the permit shall remain in effect until the city has made its determination.

d. The officer to whom an application for a new or renewed permit is made may make such investigation of the applicant and the proposed facility or activity as such officer deems necessary to carry out the purposes of this chapter.

#### **SEC. 24.7.2. Closure approvals.**

a. Persons, firms or corporations storing, using, handling or dispensing hazardous or other regulated materials in amounts exceeding the exempt amounts specified in Sec. 24.2.1 shall apply for approval to close such storage facility not less than thirty (30) days prior to the termination of the storage of hazardous or other regulated materials at the storage facility. This thirty (30) day period may be reduced or waived by the city if there are special circumstances justifying such waiver. The property owner of the property upon which the storage facility exists shall be

responsible for the closure in the event of the facility being abandoned or when the facility operator has not complied with Sec. 24.7.0 and 24.3.1 of this chapter. Such closure plan shall be acceptable to the city. The closure plan shall adequately describe procedures for terminating the storage of hazardous or other regulated materials in each storage facility in a manner that:

1. Minimizes the need for further maintenance;

2. Verifies that any threat to public health or safety or to the environment from residual hazardous or other regulated materials in or from the storage facility is adequately minimized or eliminated. The basis for this verification may include, but is not limited to, visual inspections, records review, the analytical results of soil or groundwater samples, wipe samples, etc.; and

3. Demonstrates that hazardous or other regulated materials that are stored in the storage facility will be removed, disposed of, neutralized or reused in an appropriate manner, and in compliance with all applicable laws, ordinances, regulations and guidelines.

- b. Upon completion of the closure plan, proof of proper removal and transport of all hazardous materials, tanks, sumps, reservoirs, containers and equipment which stored, handled or dispensed hazardous or other regulated materials shall be submitted. This may include, but is not limited to, hazardous waste manifests and bills of lading.

- c. Upon completion of the closure plan, the fire chief or his/her designee may require the facility operator or property owner of facilities which stored, handled or dispensed poisonous or acutely hazardous materials to include one (1) of the following statements in the closure documentation, signed by an independent industrial hygienist:

1. "This facility has been adequately closed using currently acceptable practices and is in compliance with local, state and federal guidelines. In my professional opinion, remaining contamination (if any) poses an insignificant health risk based on the quantity, toxicity and location of the contamination, as well as the proposed use and potential activities of persons on the site"; or

2. "In my professional opinion, contamination has been found which may pose a significant health risk, based on the quantity, toxicity and location of the contamination, as well as the proposed use of the site and potential activities of persons on the site. Further remedial action is warranted to reduce this risk to acceptable levels and to comply with local, state and federal guidelines, regulations and laws."

#### **SEC. 24.7.3. Fees.**

The city shall establish fees sufficient to recover its costs in administering this chapter and related state and federal laws and regulations referenced in this chapter, including the cost of providing hazardous materials services and implementing the hazardous materials ordinance. These fees shall include, but not be limited to, the cost of review of HMBPs, inspections, plan checks, facility closures and other program implementation and administrative costs. The fee schedule shall be adopted by resolution of the city council. No application shall be accepted unless and until the fees have been paid.

The city may collect fees charged by the County of Santa Clara or the State of California for program implementation and administration pursuant to Certified

Unified Program Agency legislation (Title 27, Division 1, Subdivision 4, Chapter 1 of the California Code of Regulations).

## **DIVISION VIII. REMEDIAL ACTION.**

### **SEC. 24.8.0. Notice of violation.**

Unless the fire chief or his/her designee finds that an immediate suspension under Sec. 24.8.2 is necessary to protect the environment, public health, safety or welfare from imminent danger, the officer shall issue a notice of violation for:

Failure to comply with the provisions of this chapter, any permit conditions, any compliance directives or any provisions of the HMBP within the time specified in the inspection notice, permit or compliance directive; fraud, willful misrepresentation, or any willful inaccurate or false statement in applying for a new, amended or renewed permit; or fraud, willful misrepresentation, or any willful inaccurate or false statement in any report required by this chapter.

The notice of violation shall specify: (a) dates when initial and follow-up inspections were conducted; (b) provisions of this chapter, permit conditions, compliance directives, or provisions of the HMBP found to be in violation; (c) inaccurate or false statements made in permit applications or reports; (d) any applicable fines or other charges due for payment; and (e) deadline dates for compliance and payment of fines or other charges. Such notice shall be sent by certified mail to permittee. If the violation is not abated, corrected or rectified and all fines or other charges paid within the time specified, a notice of hearing shall be given.

### **SEC. 24.8.1. Suspension prior to hearing.**

Whenever the fire chief or his/her designee finds that suspension of a permit prior to a hearing for remedial action is necessary to protect the environment, public health or safety from imminent danger, the fire chief or his/her designee may immediately suspend any permit or take any immediate action necessary to curtail the imminent danger pending the hearing for remedial action. The fire chief or his/her designee shall immediately notify the permittee of such suspension by having a written notice of the suspension personally served on the permittee, the permittee's designated agent for service of process, or a competent person apparently in charge of such a business, who is at least eighteen (18) years of age. In the event the permittee is not personally served with the suspension notice, a copy of such notice shall be mailed to the business address listed on the HMBP. Permittee shall have the opportunity for a preliminary hearing with regard to such prehearing suspension within three (3) working days of receiving written notice of such suspension.

### **SEC. 24.8.2. Notice of hearing.**

A notice of hearing shall be given to the permittee, applicant or responsible party by the fire chief or his/her designee in writing, setting forth the time and place of the hearing, the ground or grounds upon which the hearing is based, the pertinent code section or sections, and a brief statement of the factual matters in support thereof. The notice shall be given at least fifteen (15) calendar days prior to the hearing date.

**SEC. 24.8.3. Remedial action.**

If the fire chief or his/her designee, after the hearing, finds cause exists for remedial action, the fire chief or his/her designee shall impose one or more of the following:

- a. A warning;
- b. An order to correct the particular violation and pay fines or other charges specified in the notice issued pursuant to Sec. 24.9.0;
- c. A revocation of the permit for the facility or for a storage facility and approval of a provisional permit;
- d. Suspension of the permit for the facility or for a storage facility for a specified period not to exceed six (6) months;
- e. Modification or addition of conditions of the permit;
- f. Revocation of the permit with no reapplication permitted for a specified period not to exceed five (5) years; and/or
- g. Such other criminal or civil actions as permitted by law.

Upon suspension or revocation of a hazardous materials permit, hazardous or other regulated materials shall be removed from the affected facility within thirty (30) days. Procedures for such removal shall require prior city approval.

**SEC. 24.8.4. Transmittal of decision.**

Within ten (10) days of the hearing, the fire chief or his/her designee shall render a written opinion, stating the findings upon which the decision is based and the action taken, if any. The decision of the fire chief or his/her designee may be appealed to the city council as specified in Sec. 24.9.2.

**SEC. 24.8.5. Authority after suspension, revocation or expiration.**

The suspension, revocation or expiration of a permit issued under this chapter shall not prevent any proceedings to investigate such permit, any remedial action against such permittee or any proceeding against such permittee.

**SEC. 24.8.6. Return of permit.**

In the event a permit issued under the provisions of this chapter is suspended or revoked, the permittee shall forward it to the issuing officer not later than the end of the third business day after notification of such suspension or revocation.

**DIVISION IX. HEARING AND APPEAL PROCEDURE.**

**SEC. 24.9.0. Hearing rules.**

In any hearing under this chapter, all parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues, to be represented by counsel, and to question any witnesses. Any hearing under this chapter may be continued by the person conducting the hearing for a reasonable time for the convenience of a party or a witness.

**SEC. 24.9.1. Hearing notices.**

All notices required by this chapter shall be sent by certified mail, postage prepaid, to the applicant or permittee at the address given for purposes of notice on the application or permit or delivered to the permittee personally.

**SEC. 24.9.2. Appeal rules.**

Within fifteen (15) calendar days from the date of deposit of the decision of the fire chief or his/her designee in the mail, an applicant or permittee may appeal the decision, in writing, to the city council. The city council shall hear the appeal within sixty (60) days of the request for an appeal hearing, or as soon thereafter as possible.

**DIVISION X. ENFORCEMENT.**

**SEC. 24.10.0. Infractions and misdemeanors.**

Any person, firm or corporation, whether as an individual, officer, principal agent, employee or otherwise, violating or causing the violation of any of the provisions of this chapter, a notice of violation, a compliance directive or a hazardous materials permit may be prosecuted for an infraction or misdemeanor, in addition to any civil penalties as set forth in Sec. 24.10.2.

Each day any violation of this chapter continues shall be regarded as a new and separate offense. The remedies provided in this chapter shall be cumulative and exclusive.

**SEC. 24.10.1. Authorization for fire marshal, hazardous materials specialists and certain other designated employees to arrest violators.**

Those employees of the city, including, but not limited to, the fire marshal, hazardous materials specialists and certain other employees designated by the city manager or the fire chief, who have the duty of enforcing the Mountain View City Code and state laws pertaining to hazardous and toxic materials, are hereby authorized, in accordance with and pursuant to California Penal Code Sec. 836.5, 836.37 and 853.6, to arrest persons for violations of such ordinances or statutes and issue notice to appear citations as provided by law.

**SEC. 24.10.2. Civil penalties.**

Any person, firm or corporation who intentionally or negligently violates any provision of this chapter, or fails to comply with any order issued thereunder, shall be liable for a civil penalty not to exceed five hundred dollars (\$500) per day for each violation which shall be assessed and recovered in a civil action brought in the name of the people by the city attorney or the district attorney. An unauthorized discharge which is recordable and recorded in compliance with Sec. 24.5.0 shall not be a violation of this chapter for purposes of this section. In determining the penalty, the court may consider all relevant circumstances, including, but not limited to, the following:

- a. The extent of harm or potential harm caused by the violation;
- b. The nature and persistence of the violation;
- c. The length of time over which the violation occurred;
- d. The frequency of past violations;
- e. The permittee's record of maintenance;

- f. Corrective action, if any, taken by the permittee;
- g. The degree of noncompliance with this chapter; and
- h. The extent of negligence or willful misconduct of the person, firm or corporation violating this chapter.

In any civil action brought pursuant hereto, in which the city prevails, the court may determine and impose reasonable expenses, including attorney's fees, incurred by the city in the investigation and prosecution of the action.

**SEC. 24.10.3. Civil action for retaliation.**

A civil action may be instituted against any employer by any employee who has been discharged, demoted, suspended, disciplined or in any other manner discriminated against in terms or conditions of employment, or threatened with any such retaliation, because such employee has, in good faith, made any oral or written report or complaint related to the enforcement of this chapter to any company official, public official or union official, or has testified in any proceeding in any way related thereto. In addition to any actual damages which may be awarded, damages shall include costs and attorney's fees. The court may award punitive damages in a proper case.

**SEC. 24.10.4. Remedies not exclusive.**

Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal.

**DIVISION XI. MISCELLANEOUS.**

**SEC. 24.11.0. Disclaimer of liability.**

The degree of protection required by this chapter is considered reasonable for regulatory purposes. The standards set forth herein are minimal standards and this chapter does not imply that compliance will ensure there will be no unauthorized discharge of hazardous or other regulated material. This chapter shall not create liability on the part of the city, any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. All persons handling, storing, using, processing and disposing of hazardous or other regulated materials within the city should be and are advised to determine, to their own satisfaction, the level of protection, in addition to that required by this chapter, necessary or desirable to ensure there is no unauthorized discharge of hazardous or other regulated materials.

**SEC. 24.11.1. Guidelines.**

Guidelines implementing this chapter and adopted by the city council shall be maintained in the office of the environmental safety division of the fire department. Such guidelines, in the areas addressed therein, shall serve as an interpretation of this chapter.

**SEC. 24.11.2. Conflict with other laws.**

Notwithstanding any other provision of this chapter:

- a. A storage facility regulated by any state or federal agency will be exempted from any conflicting provision of this chapter.

b. Whenever any provision of this chapter conflicts with the fire code as adopted by the city, the stricter shall prevail.

**SEC. 24.11.3. Severability.**

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

Section 2. Article II of Chapter 24 of the Mountain View City Code is hereby amended to read as follows:

**"ARTICLE II. TOXIC GASES.**

**DIVISION I. PURPOSE AND DEFINITION.**

**SEC. 24.100. Scope.**

a. This article applies to all new and existing facilities where regulated materials subject to this article are present.

b. In the event of conflicting or overlapping regulatory provisions within Chapter 14, "Fire Prevention," of the Mountain View City Code and/or Chapter 8, "Buildings," of the Mountain View City Code, and this article, the most stringent requirement shall be applied.

c. In the event of conflicting or overlapping regulatory provisions with a federal law or state law or regulation, unless the application of this article is expressly preempted by an act of Congress or enactment of the Legislature, the more stringent requirement shall apply.

d. This article shall not apply to the registration and application of pesticides since this is preempted by an Act of Congress. Handling and storage of pesticide cylinders, however, shall comply with all requirements of this article.

**SEC. 24.101. Definitions generally.**

Unless the context otherwise requires, the words and phrases in this article shall have the meanings set forth in this Division I and shall govern the construction of this article. For words and phrases not defined in this article, the definitions set forth in Chapters 8, 14 and 24 of the Mountain View City Code shall apply.

**SEC. 24.101.1. Highly toxic materials.**

A material that has a median lethal concentration (LC<sub>50</sub>) in air of two hundred (200) parts per million or less by volume of gas or vapor, or two (2) milligrams per liter or less of mist, fume or dust, when administered by continuous inhalation for an hour, or less if death occurs within one (1) hour, to albino rats weighing between two hundred (200) and three hundred (300) grams each.

**SEC. 24.101.2. Toxic materials.**

A material that has a median lethal concentration (LC<sub>50</sub>) in air of more than two hundred (200) parts per million but not more than two thousand (2,000) parts per million by volume of gas or vapor, or more than two (2) milligrams per liter but not more than thirty (30) milligrams per liter of mist, fume or dust, when administered by continuous inhalation for an hour, or less if death occurs within one (1) hour, to albino rats weighing between two hundred (200) and three hundred (300) grams each.

**SEC. 24.101.3. Moderately toxic materials.**

A material that has a median lethal concentration (LC<sub>50</sub>) in air of more than two thousand (2,000) parts per million but not more than five thousand (5,000) parts per million by volume of gas or vapor, or more than thirty (30) milligrams per liter but not more than fifty (50) milligrams per liter of mist, fume or dust, when administered by continuous inhalation for an hour, or less if death occurs within one (1) hour, to albino rats weighing between two hundred (200) and three hundred (300) grams each.

**SEC. 24.102. Controls.**

"Controls" are means to regulate materials to prevent unauthorized discharges.

**SEC. 24.103. Control area.**

Spaces within a building where quantities of hazardous materials not exceeding the maximum allowable quantities per control area are stored, dispensed, used or handled. Control areas shall comply with the California Fire Code.

**SEC. 24.104. Deleted by Ord. No. 6.99, 4/27/99.**

**SEC. 24.105. Excess flow control.**

"Excess flow control" means a fail-safe system designed to shut off flow due to a rupture in pressurized piping systems.

**SEC. 24.105.1. Exterior storage.**

"Exterior storage" means a storage area enclosed by no more than two (2) contiguous walls.

**SEC. 24.106. Facility.**

"Facility" means any building, structure, installation, equipment, pipe, container, site, area, appurtenant structure or surrounding land area where regulated materials are stored, used, dispensed, handled, placed or otherwise have come to be located.

**SEC. 24.107. Fire code.**

"Fire code" means Chapter 14, "Fire Prevention," of the Mountain View City Code.

**SEC. 24.108. Deleted by Ord. No. 6.99, 4/27/99.**

**SEC. 24.109. IDLH (immediately dangerous to life and health).**

"IDLH (immediately dangerous to life and health)" means a concentration of airborne contaminants, normally expressed in parts per million (ppm) or milligrams per cubic meter, which represents the maximum level from which one could escape within

thirty (30) minutes without any escape-impairing systems or irreversible health effects. This level is established by the National Institute of Occupational Safety and Health (NIOSH). If adequate data do not exist for precise establishment of IDLH data, an independent certified industrial hygienist, industrial toxicologist or appropriate regulatory agency shall make such determination.

**SEC. 24.110. Inert construction materials.**

"Inert construction materials" means materials which, under reasonably foreseeable conditions, will not degrade or react upon contact with the regulated material to be contained.

**SEC. 24.111. Deleted by Ord. No. 6.99, 4/27/99.**

**SEC. 24.112. Lethal concentration (LC<sub>50</sub>).**

"Lethal concentration" (LC<sub>50</sub>) means the median lethal concentration level, at which fifty (50) percent of appropriate test animals die when exposed by inhalation for a scientifically appropriate specified time period. For the purposes of this chapter, LC<sub>50</sub> values for a particular regulated material shall be those established by the Department of Transportation (D.O.T.). If D.O.T. has not established an LC<sub>50</sub> value for a particular regulated material, the LC<sub>50</sub> value established by the Compressed Gas Association (CGA) shall be used. If neither D.O.T. nor CGA has established an LC<sub>50</sub> value for a particular regulated material, the fire chief or his/her designee may use LC<sub>50</sub> values from other available scientific sources.

**SEC. 24.113. Lethal concentration low (LCLo).**

"Lethal concentration low" (LCLo) means the lowest concentration of a chemical at which some test animals died following inhalation exposure.

**SEC. 24.114. Lethal dose median (LD<sub>50</sub>).**

"Lethal dose median" (LD<sub>50</sub>) means the dose at which fifty (50) percent of test animals die following exposure. The lethal dose is given in milligrams per kilogram of body weight of the test animals.

**SEC. 24.115. Lethal dose low (LDLo).**

"Lethal dose low" (LDLo) means the lowest dose of a chemical at which some test animals died following exposure.

**SEC. 24.116. Deleted by Ord. No. 6.99, 4/27/99.**

**SEC. 24.117. Maximum threshold quantity (Max. T.Q.).**

"Maximum threshold quantity" (Max. T.Q.) means the maximum quantity of a toxic or moderately toxic regulated material which may be stored in a single vessel before a stricter category of regulation is required by this article. Max. T.Q. is determined by the following equation:

$$\text{Max. T.Q. (pounds)} = \text{LC}_{50} (\text{ppm}) \times 2$$

For the purpose of calculating the Max. T.Q., storage tank, cylinder and piping systems which can be isolated in a manner approved by the fire chief or his/her designee may be designated as a separate storage vessel.

**SEC. 24.118. Minimum threshold quantity (Min. T.Q.).**

"Minimum threshold quantity" (Min. T.Q.) means the aggregate quantity of a single regulated material in a control area which, due to the minimal aggregate quantities present, need only comply with specific control requirements established in Division VIII and Division II of this article and not with the specific requirements for highly toxic, toxic or moderately toxic regulated materials. Min. T.Q. for mixtures shall be based on the aggregate weight of the regulated components.

For all regulated materials: Min. T.Q. = 2 pounds or less.

Minimum threshold quantity controls are set forth in Division VIII of this article.

**SEC. 24.119. Permissible exposure limit (PEL).**

"Permissible exposure limit" (PEL) means the maximum permitted eight (8) hour time-weighted average concentration of an airborne contaminant. The maximum permitted time-weighted average exposures are set forth in 29 CFR 1910.1000, as it may be amended from time to time.

**SEC. 24.120. Person.**

"Person" means an individual, trust, firm, joint stock company, corporation, partnership, association or other business activity, city, county, district, the state, any department or agency thereof, or the United States, to the extent authorized by law.

**SEC. 24.121. Portable tank.**

"Portable tank" means any packaging over sixty (60) U.S. gallons capacity and designed primarily to be loaded into or on or temporarily attached to a transport vehicle or ship, and equipped with skids, mounting or accessories to facilitate handling of the tank by mechanical means. It does not include any cylinder having more than one thousand (1,000) pounds water capacity, cargo tank, tank car tank or trailers carrying cylinders of over one thousand (1,000) pounds water capacity.

**SEC. 24.122. Reduced flow valve.**

"Reduced flow valve" means a valve equipped with a restricted flow orifice and inserted into a compressed gas cylinder, portable tank or stationary tank that is designed to reduce the maximum flow from the valve under full-flow conditions. The maximum flow rate from the valve is determined with the valve allowed to flow to atmosphere with no other piping or fittings attached.

**SEC. 24.123. Regulated materials.**

"Regulated materials" are all materials, regardless of form (i.e., liquid, solid or gas) which meet the criteria established by Sec. 24.205, below.

**SEC. 24.124. Responsible persons.**

"Responsible persons" means permittees under this article, owners, managers and persons responsible for the day-to-day operation of any facility subject to this article.

**SEC. 24.125. Stationary tank.**

"Stationary tank" means any packaging designed primarily for stationary installations not intended for loading, unloading, transport or attachment to a transport

vehicle as part of its normal operation in the process of use. It does not include cylinders having less than one thousand (1,000) pounds water capacity.

**SEC. 24.126. Deleted by Ord. No. 6.99, 4/27/99.**

**SEC. 24.127. Unauthorized discharge.**

"Unauthorized discharge" means releasing, spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping or disposing of a regulated material into the environment, including any sewer, storm drain, ditch, drainage canal, lake, river or tidal waterway, surface water, groundwater, land surface, sidewalk, street or highway, subsurface strata or ambient air except:

a. A "federally permitted release" as that term is defined in Sec. 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC Sec. 9602(10), or pursuant to a permit of the Bay Area Air Quality Management District, or waste discharge requirements of the San Francisco Bay Regional Water Quality Control Board or local wastewater pretreatment requirements for publicly owned treatment works; or

b. The normal application of materials used in weed abatement, erosion control, soil amendment or similar application when used in accordance with manufacturer's instructions or nationally recognized standards.

## **DIVISION II. SPECIAL PROVISIONS.**

**SEC. 24.200. General provisions.**

This article governs the storage, dispensing, use and handling of regulated materials. To the extent the application of this article to the registration and use of pesticides is preempted by an express provision of an act of Congress or a statute adopted by the State Legislature, this article does not apply.

The provisions of Division II apply to all regulated materials, including highly toxic, toxic, moderately toxic and minimum threshold quantities of regulated materials.

**SEC. 24.205. Regulated materials.**

a. "Regulated materials," including, but not limited to, gases, are those materials which meet the following criteria:

1. The materials fall under the definition of highly toxic, toxic or moderately toxic materials.

2. The materials meet either of the following criteria:

(a) They are shipped in compressed gas cylinders and the material is or becomes or acts as a gas upon release at normal temperature and pressure (sixty-eight (68) degrees Fahrenheit and seven hundred sixty (760) mm Hg).

(b) The material is used or handled as a gas whether or not the material meets the definition of a compressed gas in Chapter 14, "Fire Prevention," of the Mountain View City Code or 49 CFR Sec. 173.11.

b. Materials which meet the foregoing criteria are subject to the provisions of this article unless exempted by the fire chief or his/her designee based upon scientific evidence provided by a toxicologist or other professional acceptable to the city.

**SEC. 24.210. General obligation.**

a. No person shall cause, suffer or permit the storage, handling, use or dispensing of materials regulated by this article:

1. In a manner which is contrary to a provision of this article or any other federal, state or local statute, code, ordinance, rule, regulation or standard of performance relating to materials subject to this article; or

2. In a manner which causes an unauthorized discharge or which imposes a significant risk of such unauthorized discharge.

b. A person responsible for a facility shall, as soon as he or she has knowledge of an unauthorized discharge from or at such facility, immediately notify the fire chief or designee of such discharge.

**SEC. 24.215. Permits for system upgrades.**

a. No person shall upgrade, repair, modify, close or remove a facility without first complying with the process and procedures as set forth in Division VIII, "Applications and Permits," of this chapter.

b. The extent of system upgrades shall be determined by the following conditions:

1. If a building permit is required for a piping modification, then upgrading of the entire system for that gas shall be required.

2. If a building permit is not required for piping modification, such as for connecting an existing piping system to a new piece of equipment, then upgrading of the entire system shall not be required.

**SEC. 24.220. Closure.**

a. It shall be unlawful for any person to abandon, remove or close a facility or other area regulated by this article until a closure plan has been submitted to and approved by the fire chief or his/her designee.

b. A closure plan and a closure plan review fee as set by the schedule of fees as adopted by the city council shall be submitted by a responsible person to the fire chief or his/her designee at least thirty (30) days prior to facility closure. The property owner of the property upon which the regulated materials are stored shall be responsible for the closure in the event the regulated materials are abandoned or when the permittee has not complied with all provisions of this section. The closure plan shall demonstrate to the satisfaction of the fire chief or his/her designee that regulated materials which are or have been stored, dispensed, handled or used at the facility will be transported, disposed of or reused in a manner consistent with public health and safety. The fire chief or his/her designee may waive all or part of the thirty (30) day period upon a finding of good cause.

**SEC. 24.225. Seismic protection.**

Persons responsible for a facility with one (1) or more stationary tanks and piping systems used for regulated materials shall cause such tanks and piping systems to be seismically braced in accordance with the provisions of Chapter 8, "Buildings," of the Mountain View City Code.

**SEC. 24.230. Security.**

Responsible persons shall cause facilities where materials subject to this article are stored, handled, dispensed or used to be secured against unauthorized entry.

**SEC. 24.235. Breathing apparatus.**

a. In order to provide for immediate initial on-scene response in the event of an unauthorized discharge and to provide on-scene assistance to firefighters and other emergency response personnel, persons responsible for any facility where highly toxic or corrosive regulated materials are present shall provide a minimum of two (2) self-contained breathing apparatus. When self-contained breathing apparatus would be inadequate protection due to the nature of the gases present, other appropriate protective equipment shall be provided for on-site emergency response personnel.

b. The self-contained breathing apparatus or other protective equipment shall be suitable for use with the material present and shall be readily available to on-site emergency response personnel in a location that provides safety for those expected to don the apparatus.

c. A "location that provides safety" is one which is not likely to be immediately affected by the release of a regulated material.

**SEC. 24.240. Incompatible materials.**

Responsible persons shall cause regulated materials to be separated from other incompatible hazardous materials in accordance with Article I, Division III of this chapter.

Construction materials shall be compatible with the toxic gases they serve. Compatibility of construction materials shall be based on nationally recognized standards such as the National Association of Corrosion Engineers (NACE).

**SEC. 24.245. Leak testing.**

Responsible persons shall cause containers of regulated materials to be tested for leaks immediately upon delivery and again immediately prior to departure of such containers from facilities. Testing methods shall be approved by the fire chief or his/her designee in accordance with appropriate nationally recognized industry standards and practices, if any. Appropriate remedial action shall be immediately undertaken when leaks are detected.

**SEC. 24.250. Protective plugs and caps.**

Responsible persons shall cause the protective plugs and caps of containers of regulated materials to be in place at all times unless and until the material is properly placed into use.

**SEC. 24.255. Emergency response plan.**

a. If the preparation of an emergency response plan for the facility is not required by any other law, a responsible person shall prepare, or cause to be prepared, and filed with the fire chief or his/her designee, a written emergency response plan.

b. If the preparation of an emergency response plan is required by any other law, a responsible person shall file a copy of the plan with the fire chief or his/her designee.

**SEC. 24.260. Emergency response coordinator.**

a. If not required to do so by another law, a person responsible for a facility subject to this article shall designate, or cause to be designated, an on-site emergency response coordinator, whom shall be adequately trained, and whom shall serve as liaison to the fire department.

b. The emergency response coordinator shall ascertain all on-site locations where regulated materials are stored, handled and used, shall become familiar with the emergency response plan and the chemical nature of such regulated material, shall act as facility liaison to the fire department and shall be prepared to respond in an emergency.

**SEC. 24.265. Annual maintenance.**

a. Responsible persons shall cause all safety control systems at a facility to be tested at a minimum of annually and maintained in good working condition.

b. Maintenance and testing shall be performed by persons qualified to perform the maintenance and tests.

c. Maintenance records and test certifications shall be available to the fire chief or his/her designee upon inspection or request.

**SEC. 24.270. Reduced flow valve and devices—Highly toxic materials.**

All containers of materials other than lecture bottles classified as highly toxic regulated materials and having a vapor pressure exceeding twenty-nine (29) psia shall be equipped with a reduced-flow valve when commercially available. If a reduced-flow valve is not available, the container shall be used with a reduced flow device. All reduced-flow devices shall be part of the valve assembly and visible to the eye when possible; otherwise, they shall be installed as close as possible to the cylinder source.

**SEC. 24.275. Fire extinguishing systems.**

a. Except as provided in subsection (c) of this section, responsible persons shall cause all interior and exterior use areas and all indoor storage areas and storage buildings to be protected from fire by automatic sprinkler systems.

b. The design of the sprinkler system shall be not less than that required under the current edition of NFPA 13 for ordinary hazard Group II with a minimum design area of three thousand (3,000) square feet. Where the materials or storage arrangement require a higher level of sprinkler system protection in accordance with nationally recognized standards, the higher level of sprinkler system protection shall be provided.

c. If the chemical properties of the regulated materials are such that the materials will be incompatible with the use of a sprinkler system, the fire chief or his/her designee may require alternative forms of fire protection.

**DIVISION III. CLASSIFICATION OF MATERIALS.**

**SEC. 24.300. General.**

Regulated materials shall be classified as highly toxic, toxic, moderately toxic or Min. T.Q. materials as defined in Division I.

**SEC. 24.305. Exempt amounts.**

a. Except as provided in subsection (b) of this section, any single regulated material which would otherwise be regulated is exempt from regulation under this article if all of the following are met:

1. The aggregate quantity of any single regulated material in a control area or exterior storage does not exceed the Min. T.Q.

2. The quantity of the material in a single vessel does not exceed the amounts specified as follows:

i. One (1) pound.

ii. A concentration below the permissible exposure limit (PEL).

3. The aggregate quantity of all regulated materials in a control area or exterior storage does not exceed the exempt amounts specified in Chapter 50 of the currently adopted edition of the International Fire Code.

b. Notwithstanding the exemption in subsection (a) of this section, no amount of highly toxic regulated materials is exempt from the provisions for flow-limiting devices and fire extinguishing systems described in Division II of this article.

**SEC. 24.310. Calculations for determining the class of mixtures.**

a. The LC<sub>50</sub> value for mixtures containing regulated materials shall be calculated using the following formula:

$$\text{LC}_{50} \text{ of Gas Mixture (ppm)} = \frac{1}{\begin{matrix} \text{(molar fraction of toxic component)/} \\ \text{(ppm LC}_{50} \text{ of toxic component)} \end{matrix}}$$

b. If more than one toxic component is present, the LC<sub>50</sub> value shall be calculated using the following formula:

$$\text{LC}_{50} \text{ of Gas Mixture (ppm)} = \frac{1}{\begin{matrix} n \\ \sum [(f_i) / \text{LC}_{50i}] \\ i = 1 \end{matrix}}$$

where  $f_i$  is the mole fraction of the  $i^{\text{th}}$  toxic component of the gas mixture and  $\text{LC}_{50i}$  is the  $\text{LC}_{50}$  of the  $i^{\text{th}}$  toxic component of the gas mixture.

**SEC. 24.315. Deleted by Ord. No. 6.99, 4/27/99.**

**SEC. 24.320. Deleted by Ord. No. 6.99, 4/27/99.**

**SEC. 24.325. Deleted by Ord. No. 6.99, 4/27/99.**

**SEC. 24.330. Renumbered by Ord. No. 6.99, 4/27/99.**

## DIVISION IV. HAZARD CLASSIFICATION AND CONTROL TABLE.

### SEC. 24.400. General.

a. The requirements for controls for the use or indoor storage of regulated materials shall be cumulative as the hazard class of regulated material increases in accordance with the following table:

**HAZARD CLASSIFICATIONS AND CONTROLS**

Hazard Classification	Hazard Controls
Highly Toxic	Includes Division II, highly toxic, toxic, moderately toxic minimum threshold quantity and exempt amount controls
Toxic	Includes Division II, toxic, moderately toxic minimum threshold quantity and exempt amount controls
Moderately Toxic	Includes Division II, moderately toxic minimum threshold quantity and exempt amount controls
Minimum Threshold Quantity	Includes Division II minimum threshold quantity and exempt amount controls
Exempt Amounts	Other applicable statutes, codes and ordinances

b. All control equipment for materials regulated by this article shall meet appropriate nationally recognized standards, if any, and shall be approved by the fire chief or his/her designee.

c. Halogenated, noncarbon-based gases may hydrolyze to their base mineral acid upon contact with moisture. Therefore, the monitoring and compatibility requirements of this article shall apply to their decomposition products.

## DIVISION V. HIGHLY TOXIC CONTROLS.

### SEC. 24.500. Highly toxic controls.

Persons responsible for any facility where highly toxic materials are present shall comply with all of the requirements of Divisions II, V, VI, VII and VIII of this article.

### SEC. 24.505. Piping.

a. Piping for highly toxic materials shall be designed and fabricated from materials compatible with the material to be contained. Piping shall be of strength and durability sufficient to withstand the pressure, structural and seismic stress and exposure to which it may be subjected, as required by the California Building Code, adopted in Chapter 8 of the Mountain View City Code.

b. Secondary containment shall be provided for piping for highly toxic materials. The secondary containment shall be capable of directing a sudden release into an approved discharge treatment system and shall be monitored continually with a continuous gas monitoring system approved by the fire chief or his/her designee.

Secondary containment includes, but is not limited to, double-walled piping. Secondary containment for piping under subatmospheric conditions may not be required if the piping is equipped with an alarm and cylinder fail-safe to close valve activated by a loss of vacuum.

**SEC. 24.510. Automatic shutoff.**

An automatic shutoff valve which is of "fail-safe to close" design shall be provided. Each of the following shall activate automatic shutoff:

- a. Gas detection at PEL in occupiable areas; at 1/2 IDLH (or 0.05 LC<sub>50</sub> if no established IDLH) in unoccupiable areas;
- b. Manual activation of emergency shutoff valves, from remote locations;
- c. Failure of emergency power;
- d. Failure of primary containment;
- e. Activation of manual fire alarm; and
- f. Failure of required exhaust flow ventilation rate.

**SEC. 24.515. Emergency control station.**

Signals from emergency equipment shall be transmitted to an emergency control station which is continually staffed by trained personnel. Continual staffing shall not be required during periods when regulated materials have been purged from all process piping and equipment and are no longer being used or dispensed.

**DIVISION VI. TOXIC CONTROLS.**

**SEC. 24.600. Toxic controls.**

Responsible persons shall cause materials which are classified as toxic materials to be provided with the controls specified in Divisions II, VI, VII and VIII of this article.

**SEC. 24.605. Connections.**

a. Piping and tubing for toxic materials shall be installed in accordance with appropriate nationally recognized standards, if any, shall be approved by the fire chief or his/her designee and shall have welded connections compatible with the regulated material throughout unless an exhausted enclosure is provided.

b. Material which is not compatible with ferrous piping may be installed in nonferrous piping approved by the fire chief or his/her designee.

c. Where connections other than welding connections meet appropriate nationally recognized industry standards, if any, a person responsible for a facility may seek an exception from the fire chief or his/her designee. A request for exception and a fee as set by the schedule of fees as adopted by the city council shall be filed with the fire chief or his/her designee for approval. The request shall document the standards and reason for the exception.

**SEC. 24.610. Local gas shutoff.**

a. Manual activation controls for local gas shutoff shall be provided at locations near the point of use and near the source, as approved by the fire chief or his/her designee.

b. The fire chief or his/her designee may require additional controls at other places, including but not limited to the entry to the building, the area in the building where regulated materials are stored or used and emergency control stations.

c. Manually activated shutoff valves shall be of fail-safe to close design.

**SEC. 24.615. Emergency power.**

Emergency power shall be provided for:

a. Exhaust ventilation, including the power supply for treatment systems;

b. Gas detection systems;

c. Emergency alarm systems;

d. Temperature control systems which comply with the California Fire Code.

**SEC. 24.620. Excess flow control.**

a. Portable tanks and cylinders containing toxic material shall be provided with excess flow control.

b. Excess flow control shall be permanently marked to indicate the maximum design flow rate.

**SEC. 24.625. Gas detection.**

A continuous gas detection system shall be provided to detect the presence of a gas at or below the permissible exposure limit in occupiable areas and at or below 1/2 IDLH (or 0.05 LC<sub>50</sub> if no established IDLH) in unoccupiable areas. The detection system shall initiate a local alarm and transmit a signal to a continually staffed remote location (to provide an immediate response to an alarm). The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use or handling area. The audible alarm shall be distinct from all other on-site alarms.

**SEC. 24.630. Exhaust ventilation monitoring.**

A continuous monitoring system shall be provided to assure that the required exhaust ventilation rate is maintained. The monitoring system shall initiate a local alarm. The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use or handling area.

**SEC. 24.635. Seismic shutoff valves.**

A seismically activated shutoff valve which is of "fail-safe to close" design shall be provided for automatic shutoff of regulated materials.

**SEC. 24.640. Toxic corrosives.**

Inert construction materials shall be used for the primary containment of toxic regulated materials which are corrosive. Alternatively, secondary containment shall be provided for toxic materials which are corrosive.

**SEC. 24.645. Emergency alarms.**

When materials regulated by this article are transported through exit corridors or exit enclosures, there shall be an emergency telephone system, a local manual alarm station or a signaling device approved by the fire chief or his/her designee at not more than one hundred fifty (150) foot intervals and at each exit doorway throughout the transport route. The signals shall be relayed to an approved central, proprietary or remote station service or a constantly attended on-site location and shall also initiate a local audible alarm.

**DIVISION VII. MODERATELY TOXIC CONTROLS.**

**SEC 24.700. Moderately toxic controls.**

Persons responsible for a facility shall cause materials which are classified as moderately toxic materials to be provided with the controls specified in Divisions II, VII and VIII of this article.

**SEC. 24.705. Piping, valves and fittings.**

a. Piping, valves, fittings and related components shall be designed and fabricated from materials compatible with the material to be contained. They shall have strength and durability sufficient to withstand the pressure, structural, seismic and any other stress and exposure to which they may be subjected.

b. Expansion chambers shall be provided between valves whenever appropriate in accordance with nationally recognized standards, and shall be approved by the fire chief or his/her designee. Chambers shall be sized to provide protection for piping, valves and instrumentation and to accommodate the expansion of regulated materials.

**SEC. 24.710. Signage.**

a. Stationary aboveground tanks shall be placarded with hazard identification signs as specified in NFPA 704 for the specific material contained.

b. Signs prohibiting smoking shall be posted in indoor storage, use and handling areas and within twenty-five (25) feet of outdoor storage, use and handling areas, except within buildings designated as "No Smoking" buildings.

c. Signs shall not be obscured or removed.

d. Signs shall be in English and other languages as may be appropriate, as determined by the fire chief or his/her designee.

e. Signs shall be durable.

f. The size, color and lettering shall be in conformance with nationally recognized standards determined by the fire chief or his/her designee to be applicable to the regulated material.

**SEC. 24.715. Inert gas purge system.**

Gas systems for regulated materials shall be provided with individually dedicated inert gas purge systems (e.g., nitrogen, helium, argon and neon). A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems shall be located in an approved gas cabinet unless the system operates by vacuum demand.

**DIVISION VIII. MINIMUM THRESHOLD QUALITY CONTROLS.**

**SEC. 24.800. Minimum threshold quantity controls.**

Responsible persons shall cause materials which do not exceed the minimum threshold quantity as defined in Sec. 24.118 to be provided with controls specified in Divisions II and VIII of this article.

**SEC. 24.805. Exhaust ventilation.**

a. Storage of cylinders shall be within ventilated gas cabinets, exhausted enclosures or within a ventilated separate gas storage room as defined in the California Fire Code.

b. Storage of portable and stationary tanks shall be within a separate ventilated room without other occupancy or use.

c. If gas cabinets are provided, the room or area in which they are located shall have independent exhaust ventilation when properly exhausted cabinets are not utilized.

d. Exhaust systems for gas cabinets, exhausted enclosures and separate gas storage rooms shall be designed to handle the accidental release of gas. Such exhaust systems shall be capable of diluting, absorbing, neutralizing, burning or otherwise processing the entire contents of the single tank or cylinder of gas which presents the highest potential hazard.

e. Systems utilized for such processing shall be designed as a treatment system, as described in Sec. 24.815, below. If a total containment system is utilized, the system shall be designed to handle the maximum anticipated pressure of release to the system when the system reaches equilibrium.

**SEC. 24.810. Gas cabinets.**

When gas cabinets are provided, they shall be:

a. Operated at negative pressure in relation to their surrounding area;

b. Provided with self-closing limited access ports or fire-rated windows to give access to equipment controls. The average velocity of ventilation at the face of access ports or windows shall be not less than two hundred (200) feet per minute (FPM) with a minimum of one hundred fifty (150) FPM at any point of the access port or window;

c. Connected to a treatment system;

d. Provided with self-closing doors;

e. Constructed of steel with a thickness of not less than twelve (12) gauge; and

f. Internally protected by approved automatic fire sprinklers.

**SEC. 24.815. Treatment systems.**

a. Treatment systems shall be utilized to process all exhaust ventilation to be discharged from gas cabinets, exhausted enclosures or separate storage rooms. Treatment systems shall be designed to reduce the maximum allowable discharge concentration of the gas to one-half (1/2) IDLH (or 0.05 LC<sub>50</sub> if no established IDLH) at the point of discharge to the atmosphere as specified below.

b. When more than one gas may be emitted to the treatment system, the treatment system shall be designed to handle the worst-case release based on the release rate, the quantity and the IDLH (or 0.1 LC<sub>50</sub> if no established IDLH) for all the gases stored or used.

c. In the event a revised IDLH is published, the city shall establish a new timetable for existing facilities to upgrade their treatment systems to meet the revised IDLH value.

**SEC. 24.820. Treatment systems sizing.**

Treatment systems shall be sized to process the worst-case release of each gas based on the maximum flow rate of release from the cylinder or tank utilized which presents the highest potential hazard. The entire contents of tanks and cylinders shall be considered.

**SEC. 24.825. Stationary tanks.**

a. Stationary tanks shall be labeled with the maximum rate of release for the gas contained based on any valves or fittings that are inserted directly into the tank.

b. If multiple valves or fittings are provided, the maximum flow rate of release for the valve or fitting with the highest flow rate shall be indicated.

c. If liquefied gases are in contact with any valve or fitting, the liquid flow rate shall be utilized for purposes of computation of the maximum flow rate of release. All flow rates indicated on the label shall be converted to cubic feet per minute of gas at normal temperature and pressure.

**SEC. 24.830. Portable tanks and cylinders.**

a. For portable tanks and cylinders, the maximum flow rate of release shall be calculated based on the actual release data or calculations using actual valve manufacturer's specifications. When this data is not available, the maximum flow rate of release shall be calculated based on the total release from the cylinder or tank within the time specified in the table below:

Container	Nonliquefied (Minutes)	Liquefied (Minutes)
Cylinders	5	30
Portable Tanks	40	240

b. When portable tanks or cylinders are equipped with approved reduced flow orifices in the cylinder valve, the worst-case release may be determined by the maximum achievable flow through the orifice as determined by the valve manufacturer or the gas supplier. Reduced flow and excess flow valves shall be permanently marked to indicate the maximum design flow rate. Such markings shall indicate the flow rate for air under standard conditions. Lettering shall be one-quarter (1/4) inch high minimum, and be in contrast to the color in which it is printed upon.

c. When cylinders are manifolded together, the maximum release rate shall be the sum of the release rates for all of the manifolded cylinders.

**SEC. 24.835. Piping and controls.**

All primary piping for regulated materials shall pass a helium leak test of  $1 \times 10^{-9}$  cubic centimeters/second where practical, or other nationally recognized standard. Tests shall be conducted by a qualified third party not involved with the construction of the piping and control systems.

**DIVISION IX. EXTERIOR STORAGE.**

**SEC. 24.900. General.**

Persons responsible for a facility where there is exterior storage of any regulated material shall comply with the provisions of Divisions II, III and IX of this article and of the International Fire Code as amended and adopted in Chapter 14 of the Mountain View City Code.

**SEC. 24.905. Distance limitation to exposures.**

Exterior storage of regulated materials shall not be within seventy-five (75) feet of a building, structure, property line, street, alley, public way or exit to a public way unless the storage is shielded by a structure which has a minimum fire-resistive rating of two (2) hours and which interrupts the line of sight between the storage and the exposure. The shielding structure shall be at least five (5) feet from any exposure.

**SEC. 24.910. Openings in buildings subject to exposure.**

Notwithstanding Sec. 24.905, when an exterior storage area is located within seventy-five (75) feet of a building, openings into the building other than piping shall not be above the height of the top of the shielding structure referred to in Sec. 24.905 nor within fifty (50) feet horizontally from the exterior storage area, whether or not protected by a shielding structure.

**SEC. 24.915. Air intakes.**

No exterior storage area for regulated materials shall be within seventy-five (75) feet of any air intake.

**SEC. 24.920. Canopies.**

Portable tanks and cylinders stored outside of buildings shall be stored under a canopy constructed of noncombustible materials. Such exterior storage shall not be considered indoor storage. An automatic fire sprinkler system in accordance with Article II, Division II of this chapter, or alternative systems as determined by the fire chief or his/her designee for materials incompatible with water, shall be provided for canopies installed for the storage of regulated materials.

**SEC. 24.925. Stationary tank controls.**

Controls on stationary tanks shall be in accordance with the following:

a. Pressure relief devices shall be vented to a treatment system designed in accordance with the provisions of Sec. 24.815 of this article.

b. Where filling or dispensing connections are provided, they shall be provided with a means of local exhaust. Such exhaust shall be designed to capture fumes and vapors. The exhaust shall be directed to a treatment system designed in accordance with the provisions of Sec. 24.815 of this article.

c. Stationary tanks shall be provided with a means of excess flow control on all tank inlet or outlet connections. Inlet connections that are designed to preclude backflow and pressure relief devices are exempt from this requirement.

**SEC. 24.930. Gas cabinets for leaking cylinders.**

a. At least one (1) gas cabinet or exhausted enclosure shall be provided for the handling of leaking cylinders. The cabinet or enclosure shall be within or adjacent to the exterior storage area and connected to a treatment system as specified in Sec. 24.815 of this article.

b. A gas cabinet or exhausted enclosure need not be provided for leaking cylinders if all cylinders are stored within gas cabinets or exhausted enclosures and the exhaust is directed to a treatment system designed in accordance with the provisions of Sec. 24.815 of this article.

c. Encapsulating equipment or other equipment designed to contain high-pressure cylinders and their contents as approved by the fire chief or his/her designee shall be acceptable in meeting the intent of this section in lieu of gas cabinets or exhausted enclosures.

**SEC. 24.935. Local exhaust for leaking portable tanks.**

a. A means of local exhaust shall be provided to capture regulated material leaking from portable tanks. The local exhaust may consist of portable ducts or collection systems designed to be applied to the site of a leak in a valve or fitting on the tank. The local exhaust system shall be connected to a treatment system as specified in Sec. 24.815 of this article.

b. A local exhaust system shall be provided within or immediately adjacent to every storage area and within separate gas storage rooms used for portable tanks.

**SEC. 24.940. Tank cars and piping.**

a. The provisions of this article shall not apply to tank cars which meet all requirements of the U.S. Department of Transportation, while such tank cars are used for the transportation and unloading of regulated material, as such terms are used in the Hazardous Materials Transportation Act, 49 U.S.C. Sec. 1801, et seq. Unloading does not include the use of tank cars to store regulated materials.

b. The provisions of this article shall apply to piping and control systems, automatic shutoff valves, emergency control stations, gas detection systems, treatment systems and alarm systems used with piping which connects tank cars to facilities for the unloading and delivery of regulated material, and to tank cars used to store regulated materials.

**DIVISION X. PERMIT PROCESS.**

**SEC. 24.960. General.**

Responsible persons shall obtain and keep current a regulated materials permit. The process and procedures set forth in Division IV, "Hazardous Materials Business Plan," Division VII, "Applications and Permits," Division VIII, "Remedial Action,"

Division IX, "Hearing and Appeal Procedure," Division X, "Enforcement," and Division XI, "Miscellaneous," of Article I of Chapter 24 of the Mountain View City Code shall govern regulated materials."

Section 3. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption, but no sooner than January 1, 2014.

Section 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 6. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) of the CEQA Guidelines (because it has no potential for resulting in physical change to the environment, directly or indirectly).

The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 8th day of October, 2013, and thereafter adopted at the Regular Meeting of said Council, duly held on the 22nd day of October, 2013, by the following roll call vote:

AYES: Councilmembers Abe-Koga, Bryant, Kasperzak, Siegel, and Vice Mayor Clark

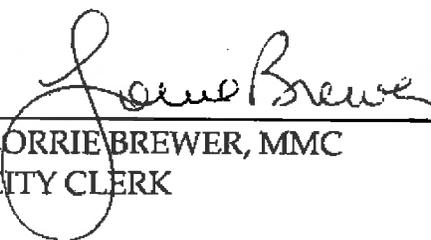
NOES: Mayor Inks

ABSENT: Councilmember McAlister

NOT VOTING: None

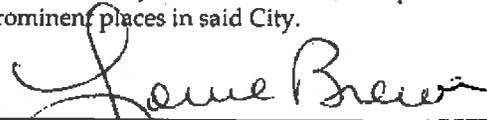
ATTEST:

APPROVED:

  
\_\_\_\_\_  
LORRIE BREWER, MMC  
CITY CLERK

  
\_\_\_\_\_  
JOHN M. INKS  
MAYOR

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 22nd day of October, 2013, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 18th day of October, 2013, and posted in three prominent places in said City.

  
\_\_\_\_\_  
City Clerk  
City of Mountain View

JW/2/ORD  
197-10-08-13o-E-1