

BUILDING STANDARDS COMMISSION

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



November 13, 2014

Barry Reynolds
Building Official
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

RE: Ordinance # 2014-1385 and 2014-1399

Dear Mr. Reynolds:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on October 31, 2014.

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

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

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

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

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

Memorandum

To: File
From: Laurie O'Brien
Date: 11/13/2014
Re: Combined Ordinance with Fire Protection District

The City of San Marcos submitted their Ordinance #2014-1385 and 2014-1399 and combined it with the San Marcos Fire Protection District. They have agreed via telephone to send a copy to the Department of Housing and Community Development.



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2014 OCT 31 P 12:57

CALIFORNIA BUILDING
STANDARDS COMMISSION

September 18, 2014

Commission Chairperson
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

RE: City of San Marcos Building & Fire Code Ordinances

Dear Commission Chairperson:

The City of San Marcos has adopted the current 2013 California Building Standards Codes and the Fire Code. Additionally, the City of San Marcos has recommended changes and modifications to the Codes due to local geographic, topographic and climate conditions. The amendments are necessary to mitigate a high fire risk in Wildland Urban Interface Areas and reflect added fire protection necessary in mid-rise buildings due to the existing fire suppression resources. The majority of amendments are procedural in nature for issues not covered in the adopted codes.

A copy of the Building Code and Fire Code Ordinances are enclosed for your review. For questions, please call me at 760-744-1050 extension 3203.

Sincerely,

Barry Reynolds
Building Official
City of San Marcos

Robert Scott
Fire Marshal
City of San Marcos

ORDINANCE NO. 2014-1399

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, AMENDING CHAPTERS 17.02, 17.04, 17.08, 17.12, 17.16, 17.20, 17.22, 17.24, 17.26, 17.27, 17.28, 17.29, AND 17.30 OF THE SAN MARCOS MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARD CODES, AND THE 1997 EDITIONS OF THE UNIFORM HOUSING CODE AND THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.

The City Council of the City of San Marcos, California, does hereby ordain as follows:

SECTION 1: Title 17 of the San Marcos Municipal Code ("SMMC") is amended by the adoption of certain chapters and sections as follows and demonstrated per exhibit A.

- A. Section 17.02.010 of Chapter 17.02 SMMC is amended to repeal the 2010 California Administrative Code and replace the reference therein to the 2013 California Building Standards Administrative Code(CAC); Part 1, Title 24, of the California Code of Regulations(CCR).
- B. Section 17.04.010 of Chapter 17.04 SMMC is amended to repeal the 2010 Edition of the California Energy Code and replace the reference therein to the 2013 California Energy Code (CEnC): Part 6, Title 24, CCR.
- C. Section 17.08.010 of Chapter 17.08 SMMC is amended to repeal the 2010 Edition of the California Building Code and replace the reference therein to the 2013 California Building Code (CBC), Part 2, Volumes 1 and 2, Title 24, CCR.
- D. Section 17.12.010 of Chapter 17.12 SMMC is amended to repeal the 2010 Edition of the California Electrical Code and replace the reference therein to the 2013 California Electrical Code (CEC); Part 3, Title 24, CCR.
- E. Section 17.16.010 of Chapter 17.16 SMMC is amended to repeal the 2010 California Plumbing Code and replace the reference therein to the 2013 California Plumbing Code (CPC); Part 5, Title 24, CCR.
- F. Section 17.20.010 of Chapter 17.20 SMMC is amended to repeal the 2010 California Mechanical Code and replace the reference therein to the 2013 California Mechanical Code(CMC); Part 4, Title 24, CCR.
- G. Section 17.22.010 of Chapter 17.22 SMMC is amended to repeal the 2010 California Residential Code and replace the reference therein to the 2013 California Residential Code (CRC); Part 2.5, Title 24, CCR.
- H. Section 17.24.010 of Chapter 17.24 SMMC remains unchanged with reference therein to the Uniform Housing Code, 1997 Edition.

- I. Section 17.26.010 of Chapter 17.26 SMMC remains unchanged with the reference therein to the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition.
- J. Section 17.27.010 of Chapter 17.27 SMMC is amended to repeal the 2010 California Historical Building Code and replace the reference therein to the 2013 California Historical Building Code; Part 8, Title 24, CCR.
- K. Section 17.28.010 of Chapter 17.28 SMMC is amended to repeal the 2010 California Green Building Code Standards and replace the reference therein to the 2013 California Green Building Code Standards; Part 11, Title 24, CCR.
- L. Section 17.29.010 of Chapter 17.29 SMMC is amended to repeal the 2010 California Referenced Standards Code and replace the reference therein to the 2013 California Referenced Standards Code; Part 12, Title 24, CCR.
- M. Section 17.30.010 of Chapter 17.30 SMMC is amended to repeal the 2010 California Existing Building Code and replace the reference therein to the 2013 California Existing Building Code; Part 10, Title 24, CCR.

SECTION 2: It is the intention of this Ordinance to adopt by reference the 2013 Building Standard Codes and other rules and regulations for construction within the City of San Marcos. The local amendments to the Codes previously made by ordinance by the City of San Marcos are based on local conditions, including local geographical and topographic conditions, which justify such amendments.

The amendments set forth in this Part are reasonably necessary because of the following climate, geological and topographical conditions:

- A. San Marcos is located in an active seismic region. Severe seismic action could disrupt communications, damage gas mains, cause extensive electrical hazards and place significant demand on fire and rescue resources that will be limited and widely dispersed in responding to multiple fire and life safety requests during a major earthquake.
- B. The local geographic, topographic and climate conditions pose an increased hazard in the acceleration, spread, magnitude and severity of potential fires in the City of San Marcos and may cause a delayed fire response time, allowing fires in hillside areas to rapidly grow.

SECTION 3. One copy of each of the codes adopted by reference by this Ordinance shall be kept on file in the Office of the City Clerk, or in the Building Division of the Development Services Department, and shall be open for public inspection.

SECTION 4. This Ordinance shall be effective on the sixty-first (61st) day after its adoption by the City Council of the City of San Marcos, California. Within fifteen days (15 days) after its adoption the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation within the City of San Marcos as required by law.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos, California, on the 12th day of August 2014.

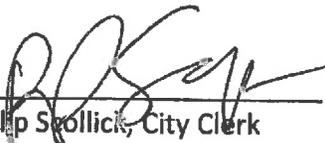
PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Marcos, California, on the 9th day of September 2014, by the following roll call vote:

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE



James M. Desmond, Mayor
City of San Marcos

ATTEST:



Phillip Stollick, City Clerk
City of San Marcos

APPROVED AS TO FORM:



Helen Holmes Peak, City Attorney
City of San Marcos

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CALIFORNIA BUILDING
STANDARDS COMMISSION

Exhibit "A"

TITLE 17

BUILDINGS, CONSTRUCTION, AND RELATED ACTIVITIES

CHAPTERS:

- 17.02 California Administrative Code**
- 17.04 California Energy Code**
- 17.08 California Building Code**
- 17.12 California Electrical Code**
- 17.16 California Plumbing Code**
- 17.20 California Mechanical Code**
- 17.22 California Residential Code**
- 17.24 Uniform Housing Code**
- 17.26 Uniform Code for Abatement of Dangerous Buildings**
- 17.27 California Historical Building Code**
- 17.28 California Green Building Code Standards**
- 17.29 California Standards Code**
- 17.30 California Existing Building Code**
- 17.32 Building, Construction, & Related Activities**
- 17.36 Park and Recreational Development Construction Unit Fee**
- 17.40 Street Dedication Requirements**
- 17.44 Development Services Fees, Public Facilities Exactions Fees, and/or Costs**
- 17.48 Deleted**
- 17.52 School Fees and Land Dedication**
- 17.54 Requirement of Reimbursement of City Expenditures for Capital Improvement Program Projects**
- 17.56 Reimbursement Districts**
- 17.60 Blasting Operations**
- 17.64 California Fire Code**

CHAPTER 17.02

CALIFORNIA ADMINISTRATIVE CODE

SECTIONS:

17.02.010 Adoption

17.02.010 Adoption.

The 2013 California Administrative Code, California Code of Regulations, Title 24, Part 1, published by the International Code Council is hereby adopted by reference and subject to amendments and revisions by the California Building Standards Commission.

CHAPTER 17.04

CALIFORNIA ENERGY CODE

SECTIONS:

17.04.010 Adoption

17.04.010 Adoption.

The 2013 California Energy Code, California Code of Regulations, Title 24, Part 6, published by the California Energy Commission is hereby adopted by reference and subject to amendments and revisions by the California Energy Commission.

CHAPTER 17.08**CALIFORNIA BUILDING CODE****SECTIONS:**

17.08.010	Adoption
17.08.020	Applying New Codes Moving of Building or Structure
17.08.030	Permit Administration
17.08.050	Footing and Foundation Inspections
17.08.060	Authority to Disconnect
17.08.070	Appeals Board
17.08.080	Construction Hours
17.08.100	Fire Resistance Rating
17.08.130	Minimum Roofing Assemblies Required
17.08.150	Pool Barrier Height
17.08.160	Repairs

17.08.010 Adoption.

- A. The 2013 California Building Code, California Code of Regulations, Title 24, Part 2, Volumes 1 and 2, Chapters 1 through 35 and Appendices C, F, G, H, and I, published by the International Code Council, are adopted by reference and subject to the amendments contained in this Chapter.
- B. The City of San Marcos and the San Marcos Fire Protection District has many large hillsides covered with extensive vegetation. The City is also subject to Santa Ana conditions of gusty winds and low humidity that predisposes the hillsides to extreme fire hazard. The City Council specifically finds that these climatic and topographic conditions necessitate greater fire protection than that provided by the 2013 California Building Code. Therefore, this Chapter amends the California Building Code to require more fire resistive construction to lessen the spread of fire in these areas.

17.08.020 Applying New Codes

Section 102 of the California Building Code is amended to add these sections as follows:

102.7 New Codes to Existing and New Developments.

(a) **Projects Under Construction:** All residential and nonresidential projects under construction, such as subdivisions, condominiums, retail, office and industrial projects that are under construction may continue under current approvals until completion of the project, including all of the remaining phases and tenant improvements, provided that the approved design remains unchanged. New designs and replacement products shall conform to the new codes after January 1, 2014.

(b) **Projects in Plan Check:** All projects in plan check have one (1) year to obtain a building permit to be constructed under the 2010 code edition. After January 1, 2014 all applications that expire by limitation (1 year) shall be designed to comply with the 2013 code edition.

(c) **Projects in the Entitlement Process:** Projects in the entitlement process of obtaining approval for site plans, tentative maps, use permits and other land use entitlements, shall obtain a grading permit by December 31, 2013 to be considered for a project in plan check, and have one (1) year to obtain a building permit to be designed and constructed under the 2010 code edition.

(d) All Other Projects: All other projects submitted after January 1, 2014 are subject to the 2013 code edition.

102.8 Moving of Building or Structure. It shall be unlawful for any person, firm or corporation to move, or cause to be moved, any building or structure into or within the City without first having obtained a permit to do so from the City of San Marcos. At the time of submitting an application for permit to move a building or structure the applicant shall submit a certificate showing freedom from termite infestation for each building or structure to be moved. Moved buildings shall conform to the character of the existing neighborhood architecture and the exterior elevations shall be approved by the Planning Director prior to the issuance of a move permit. Upon filing of the application for permit to move a building or structure, and payment of the permit fee prescribed herein, the City of San Marcos shall cause the building or structure to be inspected and shall prepare a written report which shall be forwarded to the applicant. This report shall indicate the approval or denial by the City and, if approved for moving, shall outline the requirements necessary to make the building or structure conform to the applicable provisions of this Code.

The report of inspection shall remain valid for a period of one hundred eighty days (180) from the date that the building was inspected, and a new report and inspection fee shall be required if a permit is not issued. Upon approval the applicant shall pay the same permit fees applicable to a new building, including public facilities fees, annexation to financing districts, grading permit fees, school fees, utility connection fees and any other permit fee as required. The applicant shall agree, in writing, to make all the required changes within one hundred eighty (180) days after relocation and shall post with the City of San Marcos a faithful performance bond, cash or other security, in an amount equal to the estimated cost of the required reconstruction as determined by an estimate approved by the City. The faithful performance bond shall guarantee that the required changes shall be made, or the building or structure shall be removed or demolished and the site cleared, cleaned and restored to its original condition. In the event of a default on the part of the applicant or owner, the City shall order the surety to complete the required work. If in the judgment of the City, the building or structure at the time of default is not serviceable, the City shall order the surety to remove or demolish the building or structure and to clear, clean and restore the site to its original condition.

17.08.030 Permit Administration

Section 105.2(1) of the California Building Code is amended to read as follows:

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. Similar uses shall not include patios, workshops, garages, habitable spaces or recreational uses.

Section 105.9 Major Remodel Work. The removal and replacement of an existing building or structure, wherein the slab and foundation remain, is considered a new building and subject to the latest adopted construction codes, zoning ordinance and fee schedule as a new building. Major remodel work, known as tear down and replacement, shall conform to the standards and city regulations in-effect at the time of permit issuance.

Section 105.10 Property Owner Permission. Permit applications that do not list the property or building owner as the applicant shall not be approved for issuance until the applicant submits a letter of permission from the property owner, or owner's agent, that the applicant has the owner's permission to obtain the permit and proceed with the proposed construction .

Section 105.11 Conditions of Approval. Permits shall not be issued for construction on a site until the City of San Marcos determines:

- * That all other development permits or approvals required by this Code have been issued.
- * That the permit complies with all applicable provisions of this Code; and
- * That all grading or public improvements have been satisfactorily completed or installed, or agreed to be installed pursuant to a secured agreement, to allow building permits to be issued.

Permits shall not be issued if the City determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

17.08.050 Footing and Foundation Inspections

Section 110.3.1 of the California Building Code is amended to read as follows:

Prior to the approval of any foundation inspection the permit holder shall submit a setback certification prepared by a California licensed surveyor that certifies by field measurement that the location of the building meets or exceeds the minimum setback distance as shown on the approved plans. The permit holder shall also submit a certification from a professional engineer or licensed architect that the condition of the soil has been inspected and complies with the soils report and the intent of the design prior to requesting a foundation inspection. A pad elevation certification is required prior to requesting a foundation or underground plumbing inspection.

17.08.060 Authority to Disconnect Service Utilities

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

The Building Official, Fire Marshal or their designated representative shall have the authority to disconnect and order the disconnection of utilities, including sewer, water, gas, electricity or other energy sources supplied to any building or structure during an emergency, or when the condition of the building or structure is deemed to be an immediate hazard to life or property. Whenever possible, the City shall notify the serving utility company, the owner or occupant of the building of the disconnection of service. This section shall serve as authorization for utility companies regulated by the Public Utilities Commission to ~~disconnect~~ services when such services are deemed by the City to pose a hazard to life and property.

17.08.070 Board of Appeals

Section 113.1.1 is added to the California Building Code and amended to read as follows:

The City Council of the City of San Marcos will appoint members to a Board of Appeals and establish rules of procedure for appeals of decisions and interpretations issued by the building official.

17.08.080 Hours of Work

Section 115 of the California Building Code is amended to include section 115.4 to read as follows:

Hours of Work: Construction related activities authorized under a building permit are restricted to the hours of work as follows:

Monday through Friday – 7:00 a.m. to 6:00 p.m.

Saturdays – 8:00 a.m. to 5:00 p.m.

No work on Sunday or City Holidays

Violations of this Section may result in the suspension of permit for a period of time as determined by the City. The City Manager is authorized to waive or modify the hours of work as necessary.

17.08.100 Fire Resistance Rating

Section 711.3 of the California Building Code is amended to read as follows:

(a) Exception: Dwelling unit and sleeping unit separations in building types I, II, III, IV and V construction shall have a fire resistive rating of not less than 1-hour in buildings equipped with or without an automatic fire sprinkler system throughout.

17.08.130 Minimum Roofing Assemblies Required

Sections 1505.2 & 3 of the California Building Code are amended to read as follows:

Class “A” shall be the minimum roofing assembly, including re-roofing, allowed on any building in a hillside or mountainous area of the City of San Marcos.

Class “B” shall be the minimum roofing assembly, including re-roofing, allowed on any building in the City of San Marcos.

Exceptions:

- 1 Repairs, which do not exceed 50% of the existing roof area, may be of the same materials.
2. Additions not exceeding 50% of the existing roof area may be of the same materials as the existing roof.
3. Patio covers with 50% roofing opening uniformly distributed need not comply with this Section.

17.08.150 Pool Barrier Height

Section 3109.4.1 of the California Building Code is amended to read as follows:

The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool.

17.08.160 REPAIRS

Section 3405 of the California Building Code is amended by adding Section 3405.6 which reads as follows:

Scope. Repairs of structural elements shall comply with this section.

Seismic Evaluation and Design. Seismic evaluation and design of an existing building and its components shall be based on the following criteria.

Evaluation and Design Procedures. The seismic evaluation and design shall be based on the following procedures:

1. As specified in Chapter 16 of the latest adopted building code.
2. American Society of Civil Engineers 31, Seismic Evaluation for Existing Building (for evaluation only)
3. American Society of Civil Engineers 41, Seismic Rehabilitation of Existing Buildings
4. The procedures contained in Appendix Chapter A2 and A3 of the International Building Code and Appendix Chapter A1 of the California Existing Building Code shall be permitted to be used as specified in ASCE 41 (mentioned above).

Unsafe Conditions. Regardless of the extent of structural damage, unsafe conditions shall be eliminated.

Change in Occupancy. When a building or portion thereof is subject to a change of occupancy, such that the change results in a higher seismic factor based on Table 1604.5 of the building code, or when a reclassification is proposed with a higher hazard occupancy, the building shall conform to the seismic requirements of the latest adopted building code for a new structure.

CHAPTER 17.12**CALIFORNIA ELECTRICAL CODE****SECTIONS:**

17.12.010	Adoption
17.12.020	Undergrounding of Service Conductors Required
17.12.050	Phase Arrangement
17.12.090	Nonmetallic-sheathed Cable

17.12.010 Adoption. The 2013 California Electrical Code, California Code of Regulations, Title 24, Part 3, based on the National Electrical Code 2011 Edition, Chapters 1 through 9, Appendices A, B, C, and G, copyrighted by the National Fire Protection Association ("NFPA"), is adopted by reference subject to the amendments contained in this Chapter.

17.12.020 Undergrounding of Services

Article 230.2 is amended to add 230.2 (F) to read as follows:

When required by the City of San Marcos, new development, redevelopment, additions and remodeling shall be required to underground service conductors fronting the project and service conductors on site shall be undergrounded to the satisfaction of the City. Service conductors are defined as power transmission lines, cable television, telephone, optic fiber cable, low and high voltage supplies of electricity. (See also General Plan, Chapter 2, Land Use Policy 17.3)

17.12.030 Aluminum Wiring

Article 310.106(B) is amended to read as follows:

Copper wire shall be used for wiring No. 6 and smaller in all installations. Aluminum wiring may be approved by the City for feeder conductors only where adequate measures are taken to prevent oxidation of the aluminum wire. Aluminum conductors of No. 6 or smaller used for branch circuits shall require continuous inspection by an independent testing agency approved by the City for proper torquing of connections and installation of oxidation inhibitor at their termination point as required.

17.12.050 Phase Arrangement

Article 408-3(e) of the California Electrical Code is amended to read as follows:

The phase arrangement on three-phase buses shall be A, B, C from front to back, top to bottom, or left to right, as viewed from the front of the switchboard or panelboard. The [B]phase shall be that phase having the higher voltage to ground on three phase,4-wire delta connected services. Other busbar arrangements shall be permitted for additions to existing installations and shall be marked.

17.12.090 Nonmetallic Sheathed Cable.

Article 334.10 of the California Electrical Code is amended to read as follows:

Type NM, Type NMC, and Type NMS cables shall not be used in any building exceeding three (3) stories in height. Type NM, NMC and NMS cable shall not be used in nonresidential buildings and structures unless the cable is listed with insulation that has a minimum rating of 75 degrees Celsius (167 degrees Fahrenheit).

CHAPTER 17.16**CALIFORNIA PLUMBING CODE****SECTIONS:**

17.16.010	Adoption
17.16.030	Discharge
17.16.040	Storm Water

17.16.010 Adoption. The 2013 California Plumbing Code, California Code of Regulations, Title 24, Part 5, based on the Uniform Plumbing Code 2012 Edition, Chapters 1 through 16, and Appendices Chapter 1, A, B, D, E, F, I and K and the Installation Standards, copyrighted by the International Association of Plumbing and Mechanical Officials are adopted by reference subject to amendments contained in this Chapter.

17.16.030 Discharge

Section 811.7 of the California Plumbing Code is amended to read as follows:

(A) It shall be unlawful to install or replace any plumbing equipment, including any automatic or self-regenerating water softener unit, where the operation of such may result in the discharge of saline waste into sewerage facilities, or the discharge of such waste that may pollute any surface or underground stream, watercourse, lake or any body of water.

(B) Plumbing permits are required for Best Management Practices (BMP) devices and other fixtures that convey discharges to the storm drain system.

17.16.040 Stormwater

Section 1101.1.1 of the California Plumbing Code is amended to read as follows:

It shall be unlawful to discharge any material, directly or indirectly, into the City of San Marcos storm water conveyance system, or to abandon, modify, remove or destroy Best Management Practice devices installed to reduce storm water pollutants in accordance with the City's Storm Water Management Program and the Permit issued by the Regional Water Quality Control Board, or other Federal or State laws. Modifications to any storm water conveyance system shall be approved by the City prior to modification.

CHAPTER 17.20**CALIFORNIA MECHANICAL CODE****SECTIONS:**

17.20.010	Adoption
17.20.030	Gas Log in Bedroom

17.20.010 Adoption. The 2013 California Mechanical Code, California Code of Regulations, Title 24, Part 4, based on the Uniform Mechanical Code 2012 Edition, Chapters 1 through 17, including Appendices Chapter 1, A, B and C, copyrighted by the International Association of Plumbing and Mechanical Officials, is adopted by reference subject to the amendments or deletions as set forth in this Chapter.

17.20.030 Gas Log in Bedrooms

Section 305 of the California Mechanical Code is amended to read as follows:

It shall be unlawful to install a gas log lighter in fireplaces installed in bedrooms, unless the designer submits manufactures data that:

- (a) The log lighter is a listed device and approved for bedroom locations, and
- (b) The log lighter is equipped with an automatic shutoff device, or gas sensor that activates disconnection, or
- (c) The fireplace is direct vented and no free circulation of air is possible between the fireplace and the atmosphere of the bedroom.

CHAPTER 17.22**CALIFORNIA RESIDENTIAL CODE****SECTIONS:****17.22.010 Adoption**

17.22.010 Adoption. The 2013 California Residential Code, California Code of Regulations, Title 24, Part 2.5, Chapters 1 through 10 and 44, with Appendices D,G, H,and K is adopted by reference.

CHAPTER 17.24**UNIFORM HOUSING CODE****SECTIONS:**

17.24.010 Adoption
17.24.020 Housing Code Violations

17.24.010 Adoption. The Uniform Housing Code, 1997 Edition, Chapters 1 through 16. Copyrighted by the International Conference of Building Officials, is adopted by reference.

17.24.020 Housing Code Violations

Section 1601 of the Uniform Housing Code is amended to add Section 1601.1 to read as follows:

(a) The property owner shall be financially responsible for the cost of inspection, testing, investigation and administrative charges relating to enforcement actions and complaints regarding the lack of compliance with the Housing Code requirements as determined by the City Manager.

(b) All housing units in the City, including affordable housing units and other income restricted housing units, that are rented or leased in the City of San Marcos that fail to comply with this Code will be reported to the State Franchise Tax Board as substandard housing and may not be subject to any State tax benefit during the period the unit, or units, where not in compliance with this Code as determined by the City.

CHAPTER 17.26**UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS****SECTIONS:**

17.26.010	Adoption
17.26.020	Boarded-Up Building
17.26.030	Maintenance of Paved Surfaces

17.26.010 Adoption The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, copyrighted by the International Conference of Building Officials, is adopted by reference. The Provisions of the Uniform Code for Abatement of Dangerous Buildings shall be cumulative and in addition to any other remedy provided by law.

17.26.020 Boarded-Up Building

Section 202 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

To provide a just, equitable and practical method, to be cumulative with and in addition to, any other remedy provided by the International Building Code and the Uniform Code for the Abatement of Dangerous Buildings, whereby buildings or structures that are boarded-up, from any cause, endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, shall constitute a public nuisance. Boarded-up buildings shall be rehabilitated or repaired to render the building in compliance with the intended occupancy requirements, or demolished if beyond repair. The City shall determine the time limit for demolition.

The City Manager is authorized to modify or waive this requirement due to special circumstances, including natural disasters, fire damage, flooding, landslides, loss of security or any other reason deemed appropriate.

When allowed, the property owner shall post a cash deposit or surety bond to guarantee rehabilitation or demolition as required by the City. Boarded-up buildings shall be maintained and protected from vandalism at all times.

17.26.030 Maintenance of Paved Surfaces.

Section 202 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Driveways, parking lots and roadways paved with concrete or asphalt shall be maintained in a condition free from excessive deterioration and potholes. Excessive deterioration is defined as pieces of pavement that move freely and are not attached to the paved surface. Paved surfaces shall be maintained free of dust, gravel, sand, debris and soil to prevent damage to public and private property. Paved parking lots shall be striped to delineate parking spaces from drive lanes and to identify the parking spaces for the disabled. The City shall determine the width, length and location of parking lot stripping. Changes to existing parking lots shall be reviewed and approved by the Development Services Department and work to change the parking lot shall not commence until a plan is approved by the city.

CHAPTER 17.27

CALIFORNIA HISTORICAL BUILDING CODE

SECTIONS:

17.27.010 Adoption

17.27.010 Adoption. The 2013 California Historical Building Code, California Code of Regulations, Title 24, Part 8, Chapters 1 through 10, as published by the International Code Council is adopted by reference.

CHAPTER 17.28

CALIFORNIA GREEN BUILDING CODE STANDARDS

SECTIONS:

17.28.010 Adoption

17.28.010 Adoption. The 2013 California Green Building Code Standards, California Code of Regulations, Title 24, Part 11, Chapters 1 through 8, and Appendices A4 and A5, copyright by the California Building Standards Commission is adopted by reference.

CHAPTER 17.29

CALIFORNIA STANDARDS CODE

SECTIONS:

17.29.010 Adoption

17.29.010 Adoption. The 2013 California Standards Code, California Code of Regulations, Title 24, Part 12, copyright by the California Building Standards Commission is adopted by reference.

CHAPTER 17.30

CALIFORNIA EXISTING BUILDING CODE

SECTIONS:

17.30.010 Adoption

17.30.010 Adoption. The 2013 California Existing Building Code, California Code of Regulations, Title 24, Part 10, based on the International Existing Building Code, 2012 Edition, copyrighted by the International Code Council, is adopted by reference.

ORDINANCE NO. 2014-1385

A JOINT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS AND THE SAN MARCOS FIRE PROTECTION DISTRICT BOARD OF DIRECTORS AMENDING CHAPTER 17.64 OF THE SAN MARCOS MUNICIPAL CODE RELATING TO THE ADOPTION OF THE 2013 CALIFORNIA FIRE CODE WITH CHANGES

WHEREAS, the City Council of the City of San Marcos and the Board of Directors of the San Marcos Fire Protection District find that the adoption of the 2013 California Fire Code, International Fire Code with modifications and changes and related standards set forth herein are reasonably necessary due to the following local climatic, geological and topographical conditions.

Finding 1:

The City and San Marcos Fire Protection District encompasses many large brush-covered hillsides and canyons, many with residential structures, which are difficult to access with regular firefighting equipment, and are subject to frequent Santa Ana winds and drought conditions.

Finding 2:

The City/District includes numerous areas of commercial uses in close proximity to residential areas, creating an extreme fire danger.

Finding 3:

The City/District's topography present problems to the delivery of emergency services including fire protection. Hilly terrain has narrow winding roads with little circulation, preventing rapid access and orderly evacuation. Many of these hills are covered with highly combustible natural vegetation. In addition to access and evacuation problems, the terrain makes delivery of water extremely difficult.

Finding 4:

The preceding conditions, coupled with the size of the service area and relatively modest resources of the San Marcos Fire Department/Fire Protection District necessitate greater fire protection requirements than are provided in the 2013 California Fire Code.

Finding 5:

The potential exists in the City/District' that new and future development will result in taller buildings on smaller parcels creating an extreme life safety hazard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MARCOS AND THE BOARD OF DIRECTORS OF THE SAN MARCOS FIRE PROTECTION DISTRICT DO ORDAIN AS FOLLOWS:

SECTION 1. That Title 17, Chapter 64 of the San Marcos Municipal Code is hereby amended to read as set forth in Exhibit "A" attached hereto and made part hereof. This

ordinance is adopted pursuant to Government Code Section 50022.1 through 50022.10, inclusive

SECTION 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance or any of the codes or standards adopted by reference by this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance including any of the codes or standards adopted by reference. The City/District declares that it would have passed the Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any part hereof be declared invalid or unconstitutional.

SECTION 3: Repealer. Any previous Ordinance adopting an International Fire Code or any other Code or Standard adopted by reference by the Ordinance is hereby repealed. Any Ordinance containing provisions in conflict or in contrast with the provisions of this Ordinance are repealed to the extent of the inconsistency or conflict.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the Clerk of the City Council/Board of Directors shall publish this Ordinance or the title hereof as a summary in a newspaper of general circulation in the City/District as required by law.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos and the Board of Directors of the San Marcos Fire Protection District, held on the 14th day of January, 2014; and

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos and the Board of Directors of the San Marcos Fire Protection District on the 28th day of January, 2014, by the following roll call vote:

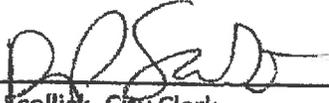
AYES: COUNCILMEMBERS/DIRECTORS: JABARA, JENKINS, JONES, ORLANDO, DESMOND
NOES: COUNCILMEMBERS/DIRECTORS: NONE
ABSENT: COUNCILMEMBERS/DIRECTORS: NONE



James M. Desmond, Mayor,
City of San Marcos and Chairman,
San Marcos Fire Protection District

ATTEST:

APPROVED AS TO FORM:



Phil Scollick, City Clerk
City of San Marcos/
San Marcos Fire Protection District



Helen Holmes Peak, City Attorney
City of San Marcos/
San Marcos Fire Protection District

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CALIFORNIA BUILDING
STANDARDS COMMISSION

CHAPTER 17.64
CALIFORNIA FIRE CODE

SECTIONS:

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17.64.010 Intent and Purpose. It is the intention of the Legislative Body of the San Marcos Fire Department to adopt the building standards of this Chapter which are more restrictive standards relating to fire protection and panic safety than those contained in the California and International Fire Codes and related standards and that the standards of this Chapter are reasonably necessary because of local climatic, geological or topographical conditions. It is the further intention of the Legislative Body of the San Marcos Fire Department and San Marcos Fire Protection District to establish uniform regulations applicable to all of the territory within the joint boundaries of the City and the District. To that end, the San Marcos Fire Protection District Board has adopted the provisions of this Chapter by reference.

(Ord. No. 2014-1385, 1/28/14)

17.64.020 Adoption of Community Zones Hazard Map Designating Fire Hazard Severity Zones. The City of San Marcos and the San Marcos Fire Protection District have designated those areas identified on the Community Zones Hazard Map as fire hazard severity zones in their jurisdictions pursuant to Section 51179 of the California Government Code. The Community Zones Hazard Map supplements the information provided by the state Urban Wildland Interface Map adopted by the City and the District under Section 17.64.200(5) to establish fire protection standards in urban wildland interface regions, and both maps can be simultaneously effective.

(a) **Amendments to Cal Fire's Recommended Map.** The City has retained wildfire management consultants to provide a comprehensive assessment of fire hazard areas throughout the jurisdictions of the City and the District and develop the Community Zones Hazard Map, which classifies certain areas as either more or less restrictive than the recommendations provided by the California Department of Forestry and Fire Protection. Any amendments to the state's map are based on technical findings of the GIS consultants to demonstrate that Cal Fire's recommendations do not specifically consider development, at risk values, or hazard mitigation throughout the City and District, or apply localized knowledge of wildfire areas to more accurately manage the fire hazard in those areas.

(b) **Classification of Fire Hazard Severity Zones.** Areas within the Community Zones Hazard Map are classified as either "extreme," "very high," "moderate," or "low" severity fire hazard zones depending on the severity of fire hazard expected to prevail in those particular areas. These classifications also assist the City and the District in identifying proper fire mitigation measures to minimize the loss of life, property, and resources in those areas.

(c) **City Resident and Property Owner Requirements.** All City residents and property owners are required to comply with the defensible space and building maintenance requirements of Chapter 7A of the California Building Code, in addition to all other federal, state, and local laws, requirements and standards currently enforced under the San Marcos Municipal Code, regardless of the location of their property or the fire hazard severity zone classification designated by the Community Hazard Zones Map.

(d) **Display of Community Hazard Zones Map.** The Community Hazard Severity Zones Map has been duly noticed and posted as required by law, and is available for public viewing at the office of the City Clerk.

17.64.030 Adoption of International Codes.

(a) The California Fire Code published by the California Building Standards Commission, 2010 Edition, including Appendix Chapters, 4, Appendix B, BB, H, I & K inclusive; the National Fire Protection Association Standards 13, 13-D and 13-R; not less than one copy of which are on file in the office of the Fire Chief and not less than one copy of which are on file in the office of the City Clerk of the City of San Marcos, are adopted by reference as the California Fire Code for the San Marcos Fire Department subject to the deletions, modifications, or amendments set forth in this Chapter. **(Ord. No. 2014-1385, 1/28/14)**

(b) Code amendments adopted by the State of California shall take precedence over the 2012 International Fire Code language. The 2012 International Fire Code language shall be used for those code sections not adopted by the State. Local amendments adopted by the San Marcos Fire Department shall take precedence over both 2012 International Fire Code and 2013 California Building Standards Code provisions. **(Ord. No. 2014-1385, 1/28/14)**

(c) Whenever the following words or phrases are used in this Chapter or in any of the Codes or Standards adopted by this Chapter they shall have the meaning ascribed in this subsection unless it is apparent from the context that a different meaning is intended:

- (1) **Aerated Static Pile** means a composting process that uses an air distribution system to either blow or draw air through a pile of organic matter. Little or no pile agitation or turning is performed.
- (2) **Chief of the Bureau of Fire Prevention** means the **Fire Marshal** of the San Marcos Fire Department.
- (3) **Chipping and Grinding** means an activity that mechanically reduces the size of organic matter.
- (4) **Compost Operation** means an operation conducted for the purpose of reducing green waste by one or more processes to achieve a composted product.
- (5) **District** means the San Marcos Fire Department and its constituent agencies.
- (6) **Fire Chief** means the Fire Chief/Fire Administrator of the San Marcos Fire Department or Designated Representative.
- (7) **Green Waste** includes, but shall not be limited to, yard trimmings, plant waste, manure, untreated wood wastes, paper products, and natural fiber products.
- (8) **Hogged Materials** means mill waste consisting primarily of hogged bark but may include a mixture of bark, chips, or other by-product from trees and vegetation.
- (9) **Jurisdiction or Jurisdictional Limits** means the boundaries of the City of San Marcos.
- (10) **Mid-Rise Building** is any building having four stories or more in height, while being 75 feet (22.860 mm) or less in height and not defined as a high-rise by section 202 of the California Building Code. Measurement will be from the underside of the roof or floor above topmost space that can be occupied to the lowest fire apparatus access road level.
- (11) **Mulching** means the process by which mixed green waste is mechanically reduced in size for the purpose of making compost.
- (12) **Static Pile** means a composting process that is similar to the aerated static pile except that the air source may or may not be controlled.
- (13) **Windrow Composting Process** means the process by which compostable material is placed in elongated piles. The piles or windrows are aerated and/or mechanically turned on a periodic basis.
- (14) **Wood Chips** means wood chips of various tree and plant species used in chipping and grinding operations.

17.64.040 (Reserved) (Repealed in its entirety by Ordinance 99-1068)

17.64.050 **When provisions are made for Class IIIA liquids in Section 5704, 5705, 5706, 2305, 2306 and 2310 the provisions shall apply to all Class III liquids.** (Ord. No. 2014-1385, 1/28/14)

17.64.060 **Establishment of Limits of Districts in which Storage of Flammable or Combustible Liquids in Outside Aboveground Containers is to be Prohibited.** The limits referred to in Sections 5704.1 and 5706.2.4.4 of the California Fire Code in which above-ground flammable or combustible liquid tanks is prohibited are hereby established as the Jurisdictional Limits of the San Marcos Fire Department. (Ord. No. 2014-1385, 1/28/14)

17.64.065 **Exceptions to the Prohibition of Aboveground Storage of Flammable or Combustible Liquid.** Exceptions to the prohibition of aboveground storage of flammable or combustible liquids referred to in Section 5704.1 and 5706.2.4.4 of the California Fire Code shall include the following: (Ord. No. 2014-1385, 1/28/14)

- (1) 10,000 gallons maximum temporary aboveground storage tanks shall be permitted for private use on remote construction sites, earth-moving projects, gravel pits, or borrow pits.
- (2) Crankcase drainings may be stored in specially constructed aboveground tanks, approved by the Fire Chief, with a maximum capacity of 550 gallons.
- (3) With the Fire Chief's approval, Class I and II liquids may be stored above ground outside of building in specially designed, approved, and listed containers which have features incorporated into their design which mitigate concerns for exposure to heat, ignition sources, and mechanical damage. Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. Storage in such tanks on any site shall not exceed 1,000 gallons for Class I or 2,000 gallons for Class II liquids.

The Fire Chief may disapprove the installation of such containers when, in his or her opinion, their use presents a risk of life or property. In no case shall such storage be permitted on residential property.

Bulk plants or terminals as described in Section 5706.4 of the California Fire Code are prohibited within the Jurisdiction. (Ord. No. 2014-1385, 1/28/14)

17.64.070 **Establishment of Limits in which Bulk Storage of Liquid Petroleum Gases (LPG) is to be Restricted.** The limits referred to in Section 6104.2 and Section 6104.4 of the California Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: (Ord. No. 2014-1385, 1/28/14)

- In any commercial or residential zone
- In those areas where LPG bulk storage is allowed

17.64.080 **Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited.** The limits referred to in Section 5601 of the California Fire Code in which storage of explosives and blasting agents is prohibited are hereby established as the Jurisdictional Limits of the San Marcos Fire Department. (Ord. No. 2014-1385, 1/28/14)

17.64.090 **Occupancy Approval.** Section 104.1.1 is added to the California Fire Code to read as follows:

Occupancy Approval. The Building Official shall not issue a Certificate of Occupancy without the approval of the Fire Department.

17.64.100 Cost Recovery. Section 104.5.1 is added to the California Fire Code to read as follows:

(a) ***Purpose.*** The purpose of this section is to establish authority to obtain reimbursement from responsible individuals for the expenses of any emergency response by the San Marcos Fire Department to protect the public from fire or hazardous substances.

(b) ***Reimbursement Required.*** In accordance with the Health and Safety Code, Section 13000 et seq., an individual who acts negligently or in violation of the law and thereby requires the Jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substance shall reimburse the agency for the costs incurred.

(c) In accordance with Government Code, Sections 53150 through 53159, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft, caused by that influence proximately causes any incident and thereby requires the agency to provide an emergency response shall reimburse the agency for the cost incurred. Additionally, any person who intentionally, knowingly, and willfully enters into any area that is closed or has been closed to the public by competent authority for any reason, or an area that a reasonable person under the circumstances should have known was closed to the public, is liable for the expenses of an emergency response required to search for or rescue that person, or if the person was operating a vehicle, any of his or her passengers, plus the expenses for the removal of any inoperable vehicle. Posting a sign, placing a barricade, a restraining or retaining wall, roping off an area, or any other device is sufficient indication that an area is closed to the public due to danger of injury, for the public's safety, or for any other reason. A person who drives a vehicle on a public street or highway that is temporarily covered by a rise in water level, including groundwater or overflow of water, and that is barricaded by any of the means described above, because of flooding, is liable for the expenses of any emergency response that is required to remove from the public street or highway, the driver, or any passenger in the vehicle that has become inoperable on the public street or highway, or the vehicle that has become inoperable on the public street or highway. Unless otherwise provided by law, this section shall apply to all persons, regardless of whether the person is on foot, or is operating a motor vehicle, bicycle, vessel, watercraft, raft, snowmobile, all-terrain vehicle, or any other boat or vehicle of any description. A person who was attempting to rescue another person or an animal shall not be liable for expenses of an emergency response under this section.

(d) As used in this section, expenses of an emergency response means those reasonable and necessary costs incurred for an appropriate emergency response to an incident and includes the costs of providing police, firefighting, search and rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(e) ***Enforcement Expense Recovery.*** The City Council may adopt or amend an ordinance to impose a fee for recovery of expenses incurred as a result of activities undertaken pursuant to enforcing the fire prevention provisions of this Code.

17.64.110 Permit Fees. Section 105.6 is added to the California Fire Code to read as follows:

A schedule of fees charged for permits and inspections required pursuant to this Chapter shall be established and amended from time to time by resolution of the City Council. A copy of same shall be placed on file with the City Clerk.

17.64.120 Access Road Width. Section of 503.2.1 of the California Fire Code is amended to read as follows:

Width: The unobstructed width of a fire apparatus roadway shall not be less than 24 feet, with an unobstructed vertical clearance of not less than 13 feet 6 inches.

Exception:

- (a) A fire access roadway providing access to only one single family dwelling shall be not less than 16 feet in width.
- (b) Fire access roadways divided by gated entrance with card reader, guard station, or center median which resulted in separated lanes of one-way traffic shall be 12 feet wide per lane.

17.64.130 Fire Hydrant Requirements. Section 507.5.1 of the California Fire Code is amended by adding subsection 507.5.1.1 thereto, to read as follows:

507.5.1.1 Type Required. The Fire Chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the Jurisdiction. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. Such appliances shall be of a type suitable for the probable class of fire associated with such building or premises and shall have approval of the Fire Chief.

17.64.140 Fire Hydrant Spacing. Section 507.5 of the California Fire Code is amended by the addition of Table 507.5 to read as follows:

Table 507.5

FIRE HYDRANT SPACING AND CONSTRUCTION

Industrial, Commercial and Multi-Family Residential	300 FT
Single Family Residential (2 1/2 Acres or larger)	1000 FT
Single Family Residential (0 to 2 1/2 Acres)	600 FT

NOTES:

1. When alternate spacing or methods of protection are provided, and approved by the Fire Chief, the above may be modified or waived.
2. All fire hydrants required shall be solid bronze construction including all internal parts, except seats. The stem shall be designed and installed in a manner that will insure that it cannot be projected outward from the main body by internal water pressure due to disassembly.
3. The number and size of fire hydrant outlets shall be as follows:
 - a) Single Family residential - one 4" and one 2-1/2" port
 - b) All other areas - two 4" and one 2-1/2" port

17.64.150 Reserved

17.64.160 Water Storage Tanks. Section 507.2 of the California Fire Code is amended by the addition of Table 507.2 the requirements of which may, at the discretion of the Fire Chief, apply when required fire flow for single family dwellings must be supplied by private water tanks due to the unavailability of water mains. (Ord. No. 2011-1341, 1/25/11)

TABLE 507.2

Building Sq. Ft.	GPM	CAPACITY GALLONS	DURATION MINUTES
0 TO 500	250	1,500	6
501 TO 1,500	250	3,000	12
1,501 TO 3,000	250	5,000	20
3,001 TO 4,500	250	7,500	30
Over 4,500	250	10,000	40

17.64.170 Plan Review and Inspection Fees. Section 901.1.2 of the California Fire Code is amended by the addition of paragraph 2 to read as follows:

Fees for Plans reviewed and inspections conducted by the Fire Department shall be charged as set forth in a resolution adopted and amended from time to time by the City Council. A copy of same shall be placed on file with the City Clerk.

17.64.180 Automatic Fire Extinguishing System. Section 903.2 of the California Fire Code is amended to read as follows:

An automatic fire extinguishing system shall be installed in occupancies and at locations as set forth in section 903.2 and listed in 17.64.190 and 17.64.200.

17.64.190 Automatic Fire Extinguishing Systems - Commercial. Section 903.2 of the California Fire Code is amended to read as follows:

An automatic fire extinguishing system shall be installed in *Group A, B, E, S, F & M* occupancies.

AUTOMATIC FIRE EXTINGUISHING SYSTEMS - COMMERCIAL

The Fire Chief shall require the installation of an automatic fire sprinkler system meeting California Building and Fire Code when any one of the following conditions exist:

- (1) In all Group A, B, E, S, F & M, commercial buildings hereinafter constructed when the square footage exceeds 5,000 square feet or 34 feet in height.
- (2) When Fire Department travel time exceeds five (5) minutes from the closest fire station to any building. (Time tests will be conducted by the Fire Department based on established testing procedures).
- (3) When a structure is in the direct Urban Wildland Interface. (Refer to Community Zones Hazard Map). (Ord. No. 2014-1385, 1/28/14)

(4) When a dead-end access road or cul-de-sac exceeds 600 feet. (Note: If a Fire Department-approved secondary access is provided to the dead-end access road or cul-de-sac, this condition will not apply).

(5) When the building's calculated fire flow requirement, based on building square footage and construction type, exceeds 2500 G.P.M.

Exception: Greenhouses, buildings constructed for use as green houses, are exempt from fire sprinkler requirements unless physically connected to other structures.

"Fire Walls" (area or occupancy separation walls), shall be as identified in the B.C. International with no openings to create a separate building for the purpose of determining fire sprinkler requirements.

17.64.200 Automatic Fire Extinguishing Systems - Residential. Section 903.2 of the California Fire Code is amended by expanding its applicability to all Group R occupancies.

AUTOMATIC FIRE SPRINKLER SYSTEMS - RESIDENTIAL

The Fire Chief shall require the installation of an automatic fire sprinkler system in all residential buildings when any one of the following conditions exist:

(1) Residential buildings containing two (2) or more dwelling units hereinafter constructed exceeding 10,000 square feet, or exceeding 34 feet in height, shall be protected with a fire sprinkler system meeting N.F.P.A. Standard 13.

(2) Residential buildings containing two (2) or more dwelling units hereinafter constructed exceeding 5,000 square feet, but less than 10,000 square feet total area, or exceeding 34 feet in height shall be protected with a fire sprinkler system meeting N.F.P.A. Standard 13-R.

(3) Residential buildings containing one (1) family dwelling unit in excess of 5000 square feet or two or more dwelling units shall be protected by a fire sprinkler system meeting the N.F.P.A. Standard 13-D.

(4) When Fire Department travel time exceeds five (5) minutes from the closest fire station to any building. (Time tests will be conducted by the Fire Department based on established testing procedures).

(5) When the structure is in the direct Urban Wildland Interface. (Refer to Community Zones Hazard Map). (**Ord. No. 2014-1385, 1/28/14**)

(6) When dead-end access road or cul-de-sac exceeds 600 feet, all buildings beyond the 600 feet will be equipped with automatic fire sprinklers. (**Note:** If an approved secondary fire access is provided to the dead-end, this condition shall not apply).

(7) When required fire flow for the building is insufficient.

Note: "Fire Walls" (area or occupancy separation walls), shall be as identified in the B.C. International with no openings to create a separate building for the purpose of determining fire sprinkler requirements.

- (8) When a NFPA 13D or 13R automatic fire extinguishing system is required, a listed electric bell will be required.

17.64.210 Mid-Rise Buildings

In addition to other applicable provisions of this code, other laws and regulations, and any policies of the chief, the provisions of this article apply to every newly constructed mid-rise building, of any type construction, or any mid-rise building which undergoes a complete renovation that requires the complete vacancy of the building to complete the renovation.

Exceptions: The following structures, while defined as mid-rise buildings, will not be subject to the provisions of this article:

1. Buildings used exclusively as open parking garage.
2. Buildings where all floors above the fourth floor (16,764 mm) level are used exclusively as open parking garage.
3. Buildings such as power plants, lookout towers, steeples, grain houses, and similar structures with non-continuous human occupancy, when so determined by the chief.

Building Access. Building access must be provided and approved by the chief.

Automatic Fire Sprinklers/Standpipes. Every mid-rise building must be protected throughout by an automatic fire sprinkler system that is designed and installed in conformance with latest adopted Edition of NFPA 13 and in accordance with the following:

1. Shut-off valves and a water flow alarm device must be provided for each floor. Each shut-off valve and flow device must be electronically supervised.
2. Every mid-rise building must be provided with a class I standpipe system that is interconnected with the fire sprinkler system. The system must consist of 2 1/2-inch hose valves that must be located in each stair enclosure, on every floor level. Two hose outlets must also be located on the roof, outside of each stair shaft enclosure that penetrates the roof. The standpipe system must be designed, installed, and tested in accordance with NFPA 14.
3. Fire Department standpipe connections and valves serving the floor must be within the vestibule and located in a manner so as not to obstruct egress when hose lines are connected and charged.

Smoke Detection. Smoke detectors must be provided in accordance with this section. Smoke detectors must be connected to an automatic fire alarm system installed in accordance with the latest Edition of NFPA 72. The actuation of any detector required by this section will operate the emergency voice alarm signaling system and will place into operation all equipment necessary to prevent the circulation of smoke through air return and exhaust ductwork. Smoke detectors must be located as follows:

1. In every mechanical equipment, electrical, transformer, telephone equipment, unmanned computer equipment, elevator machinery or similar room and in all elevator lobbies. Elevator lobby detectors must be connected to an alarm verification zone or be listed as a releasing device.
2. In the main return-air and exhaust-air plenum of each air-conditioning system. Such device must be located in a serviceable area downstream of the last duct inlet.

3. At each connection to a vertical duct or riser serving two or more stories from a return-air duct or plenum of an air conditioning system. In Group R, Division 1 and 2 Occupancies, an approved smoke detector may be used in each return-air riser carrying not more than 5,000 cubic feet per minute and serving not more than 10 air inlet openings.
4. For Group R, Division 1 and 2 Occupancies, in all corridors serving as a means of egress for an occupant load for 10 or more.

Fire Alarm System. An approved and listed, automatic and manual, fully addressable and electronically supervised fire alarm system must be provided in conformance with this code and California Building Code.

Emergency Voice Alarm Signaling System. The operation of any automatic fire detector or water flow device must automatically sound an alert tone followed by a pre-recorded voice instruction giving appropriate information and direction on a general or selective basis to the following terminal areas:

1. Elevators.
2. Elevator lobbies.
3. Corridors.
4. Exit Stairways.
5. Rooms and tenant spaces.
6. Dwelling units.
7. Hotel Guest Rooms.
8. Areas designated as safe refuge within the building.

Fire Command Center. A fire command center for fire and life safety department operations must be provided. The location and accessibility of the fire command center must be approved by the fire department. The room must be separated from the remainder of the building by not less than one-hour, fire resistive occupancy separation. The room must be a minimum of 96 square feet with a minimum dimension of 8 feet. It must contain the following as a minimum:

1. The voice alarm and public address panels.
2. Fire department communications panel.
3. The fire alarm enunciator panel.
4. Elevator enunciator panel (when Building exceeds 55 feet in height).
5. Status indicators and controls of air handling systems (Stairwell Pressurization).
6. Controls for unlocking stairwell doors.
7. Fire Pump status indicators (if required).
8. Complete building plans set.
9. Work Table.
10. Elevator control switches for switching of emergency power.
11. Electronically supervised central station fire alarm system.

Annunciation Identification. Control panels in the central control station must be permanently identified as to function. Water flow, automatic fire detection and manually activated fire alarms, supervisory and trouble signals must be monitored by an approved, UL listed Central Monitoring Station and annunciated in the central control station by means of an audible and visual indicator. For the purposes of annunciation, zoning must be in accordance with the following:

1. When the system serves more than one building, each building must be considered separately.
2. Each floor must be considered a separate zone.
3. When one or more risers serve the same floor, each riser must be considered a separate zone.

Elevators. Elevators and elevator lobbies must comply with the provisions of Chapter 30 of the California Building Code and the following:

1. At least one elevator cab must be assigned for fire department use, which must serve all floors of the building. All provisions hereinafter are in reference to said elevator cab(s).
2. The size of the elevator cab must have dimensions as specified.
 - a. The elevator cab must be provided with adequate dimensions to accommodate an ambulance type stretcher in accordance with the provisions of Chapter 30 of California Building Code.

Fire Department Communication System. An approved two-way, fire department communication system designed and installed in accordance with NFPA 72 shall be provided for fire department use per California Building Code, Section 907.2.12.3

Means of Egress

Extent of Enclosure. Stairway enclosures must be continuous and must fully enclose all portions of the stairway. Exit enclosure must exit directly to the exterior of the building or include an exit passageway on the ground floor, leading to the exterior of the building. Each exit enclosure must extend completely through the roof and be provided with a door that leads onto the roof.

Pressurized Enclosures and Stairways. All required stairways and enclosures in a mid-rise building must be pressurized as specified in the California Building Code, Section 909. Pressurized Stairways will be designed to exhaust smoke manually when needed.

Vestibules. Pressurized stairway enclosures, serving mid-rise buildings must be provided with a pressurized entrance vestibule on each floor that complies with the California Building Code, Section 909.

Pressure Differences. The minimum pressure difference within a vestibule must be in accordance with the California Building Code, Section 909.

Locking of Stairway Doors. All stairway doors that are locked to prohibit access from the interior of the stairway must have the capability of being unlocked simultaneously, without unlatching, upon a signal from the fire control room. Upon failure of normal electrical service, or activation of any fire alarm, the locking mechanism must automatically retract to the unlocked position.

A telephone or other two-way communication system connected to an approved emergency service which operates continuously must be provided at not less than every third floor in each required exit stairway vestibule.

Approved signage must be provided in each stairwell vestibule stating doors are locked, on which floor(s) entry may be made, and on which floor(s) a telephone is located. Hardware for locking of stairway vestibule doors must be State Fire Marshal listed and approved by the chief by permit before installation. Stairway doors located between the vestibules and stairway shaft must not be locked.

17.64.220 Dumping of Waste Material. Section 304.1 to the California Fire Code is amended by adding section 304.1.2.1 thereto, to read as follows:

Dumping of waste material as defined in California Penal Code Section 374(b) is prohibited within the Jurisdiction except at an approved landfill. The property owner and person in control of the property shall not permit such material to remain on the site, and shall remove it or cause it to be removed to an approved landfill or State-licensed hazardous materials disposal station, as appropriate. The property owner or person in charge shall take such actions as necessary to prevent recurrent dumping, such as posting the property and fencing the area or barricading the access.

Such fencing or barricading shall not be installed so that fire-fighting access is compromised. After reasonable notice and opportunity for compliance per the California Health and Safety Code is given, the City Council may authorize the Fire Chief to employ a contractor to remove such waste material from the site, and attach actual contractor costs and a reasonable administrative fee. In the event said fees are not collected, a lien will be placed against the property.

17.64.230 Tanks for Gravity Discharge. Section 5706.2.5.2 of the California Fire Code is amended to read as follows: **(Ord. No. 2014-1385, 1/28/14)**

Gravity dispensing of Class I and Class II liquids is prohibited. Dispensing devices for flammable and combustible liquids shall be of an approved type. Approved pumps taking suction from the top of the tank shall be used. Flammable or combustible liquids shall not be dispensed by a device that operates through pressure within a storage tank. Air or oxygen shall not be used to pressurize an aboveground tank.

17.64.240 Fire Safety Guides. Chapter 49 of the California Fire Code is amended by the addition of Chapter 49, Section 4901.1.1, to read as follows: **(Ord. No. 2014-1385, 1/28/14)**

Chapter 49, Section 4901.1.1

Chapter 49, Section 4901.1 is amended by the addition of a new subsection 4901.1.1 to read as follows:

(6) Comply with the fire clearance standards of the following publications, which are hereby adopted by reference:

1. County of San Diego Wildland Interface Standards adopted pursuant to County Ordinance No. 911 and dated December, 1999. Section 16.1(1) of said Standards is amended to read as follows:

16.1 General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

17.64.240 – 17.64.270

1. Maintain an effective fuel modification zone by removing, clearing or modifying away combustible vegetation and other flammable materials from areas within 150 feet from such buildings or structures. (See exception 3 for fire-resistive construction and other features for approval and/or a reduction of the fuel modification zone) The fuel modification zone may be re-planted with either approved irrigated, fire-resistant planting material or approved non-irrigate, drought-tolerant, fire-resistant plant material. Re-planting of the fuel modification zone may be required for erosion control.

EXCEPTIONS:

1. Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. With the approval of the FAHJ the width of the fuel modification zone may be reduced where fire-resistive structures or other features are constructed however, in no case shall the fuel modification zone be reduced to less than 100 feet. See Section 26 for the minimum requirements of a fire-resistive structure. This exception shall not be construed to allow the FAHJ to require fire resistive construction on existing structures with a fuel modification zone of less than 100 feet.

2. 2012 Edition of the International Urban Wildland Interface Code, International Code Council. (Ord. No. 2014-1385, 1/28/14)

Note: Whenever a conflict exists between the provisions of this Code and the above referenced publications, the more restrictive requirement shall apply.

17.64.250 Hazardous Materials Report Forms. Appendix H, Section H 3.2 of the California Fire Code is amended to read as follows:

Hazardous Materials reporting forms currently adopted by the San Diego County Health Department Hazardous Material Management Unit which cover the same topics as forms contained in this Appendix are adopted by reference and take precedence over this Appendix.

17.64.260 Fireworks. The sale, discharge, firing or use of all firecrackers, party poppers, bombs, rockets, torpedoes, roman candles, Sky Lanterns or other fireworks or substances designed and intended for pyrotechnic display, and of all firework pistols/cannons, or other appliances using blank cartridges or caps containing chlorate of potash mixture or other mixtures designed to make an explosive sound, is hereby prohibited within the City of San Marcos. The City Council may permit the public display of fireworks by properly qualified individuals or organized bodies under the direct supervision of experts in the handling of fireworks. (Ord. No. 2014-1385, 1/28/14)

17.64.270 Appeals. Whenever the Fire Chief disapproves an application or refuses to grant a 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 have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the City Manager within 30 days from the date of the decision appealed.

17.64.280 New Materials, Processes or Occupancies Which May Require Permits. The Fire Chief and Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in this Code. The Fire Marshal shall post such list in a conspicuous place in the Fire Prevention Bureau office and distribute copies thereof to interested persons.

17.64.285 Green Waste Recycling, Mulching, Composting Operations and Storage.
Recycling facilities shall comply with the following provisions:

(a) All green waste that cannot be processed onsite, such as stumps and fibrous plants, shall be immediately removed from the feedstock, stored in roll off containers or bins and removed from the facility on a weekly basis. All plastic bags shall be removed prior to shredding material.

(b) Permit Required - A permit shall be obtained from the San Marcos Fire Department prior to engaging in the operation and storing of processed wood chips, hogged material, fines, compost and raw product in association with yard waste and recycling facilities where the likelihood exists that spontaneous combustion could occur and present a threat from fire or hazardous substances to the welfare and public safety as determined by the Fire Department. The permit shall continue until revoked or for such period of time as may be designated by the Fire Department. Permits shall not be transferable and any change in use, occupancy, operation or ownership shall require a new permit.

(c) Operational Plans - The following operational and activity plans will be required prior to operation:

1. Fire Suppression and Prevention Plan. A Fire Suppression and Prevention Plan shall be required and shall include, but not be limited to, the following:

Access for fire fighting, equipment and personnel water system (including adequate storage for fire flow), material handling equipment, diversion plan, dispersal areas, emergency response plan, and security. The storage shall be in a manner designed to prevent fires, and other requirements as deemed necessary by the Fire Department.

2. Emergency Fire Plan. All fires shall be reported to the fire department. The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit a plan for Fire Department review prior to approval.

3. Fire Dispersal Area Plan. The plan shall include a method for dispersal for larger fires. The operator shall develop a fire dispersal area for spreading burning product waste. This area is to be used to break up and scatter piles of burning product in all directions for fire extinguishment.

4. Emergency Operator Callback Response Plan. The operator shall provide an emergency response plan meeting the following criteria: The response time shall be within one hour of a fire or Fire Department request for the following equipment staffed with skilled operators, bulldozer, loaders and heavy duty equipment necessary to mitigate a fire. Notification shall be for 24 hours a day seven days a week. Notification may occur by pager activation, telephonic contact or other approved means.

5. Incoming Waste Diversion Plan. To prevent stockpiling of material onsite, the operator shall develop a diversion plan for incoming green waste in the event of equipment failure or other impediments to the timely processing and shipping of green waste.

(d) Fire Access Roadway - A fire access roadway shall be provided with a minimum width based upon material handling equipment requirements, with a surface covering as approved by the Fire Department. In no case shall the fire access roadway be less than 20 feet wide.

(e) Storage Site - Storage sites shall be reasonably level and on all weather surfaces.

(f) Pile Separation - Piles shall be separated from adjacent piles by Fire Department access roadways.

(g) Size of Piles - Pile height, width, and length shall be limited to, and determined by, site material handling equipment requirements and in no case shall the piles exceed 12 feet in height, 100 feet in width and 200 feet in length.

(h) Static Pile Protection - The internal temperature of static piles and windrows shall be taken on a regular basis to monitor conditions within the windrows. Internal pile temperatures shall be taken at a point 2/3 the pile height, 12 to 24 inches from the surface, with a probe-type thermometer, and recorded weekly. Infrared thermometers may be used to monitor for hot spots at the surface once excessive temperatures are discovered. Temperatures above 158 degrees Fahrenheit are known to adversely affect microbial decomposition and are considered excessive. Once windrows exceed 170 degrees Fahrenheit, the windrows shall be reduced in size and monitored daily until temperatures drop below 158 degrees Fahrenheit. Windrows shall be visually inspected on a regular basis. Once fires have started in any windrow(s) at a site, this visual inspection shall be a minimum daily requirement and shall continue until the threat of fire is no longer present. All records shall be kept on file at the facility and be made available for inspection. An operational plan indicating procedures and schedules for inspections, monitoring and restricting of excessive internal temperatures in the static piles shall be submitted to the FAHJ for review and approval.

All green waste stockpiles shall be remixed, as necessary, to alleviate any fire due to spontaneous combustion or temperatures above 170 degrees Fahrenheit.

(i) Firefighting Water Supply and Storage.

Public Water Supply: The operators shall provide one or more fire hydrants (400-foot on center) and waterline mains. The water line may be an approved aboveground line with adequate protection against impact, fire flow reaction, supplied from a reliable water supply. Fire flow at the hydrant(s) shall be at least 1000 gallons per minute at 20 psi. For a flow duration of 2 hours.

Private Water Supply: Above ground water storage tanks may, at the discretion of the Fire Marshal, be installed where public supply is not available or adequate or to support a deficient public supply, in order to meet fire flow requirements. Such supply shall consist of a minimum of two 10,000-gallon tanks.

(j) Material Handling Equipment - Approved material-handling equipment shall be available for moving wood chips, hogged material, compost and raw product produced from yard waste and wood fines during firefighting operations. Vehicles used on all piles should be of a type that minimizes compaction. All vehicles operating on or around the piles shall have a Class A extinguisher of a 2-A rating, in addition to the normal Class B units required for the vehicles themselves.

(k) Site Security - Pile storage areas shall be surrounded with approved fencing. Fences shall be a minimum of 6 feet in height.

(l) Smoking and Open Burning Prohibited - The operator shall prohibit smoking and open flame on the operational site, including smoking within vehicles. Approved signs shall be clearly and prominently posted, and the requirements of same shall be enforced by the operators. No open burning shall be permitted on site.

(m) Combustible Vegetation Control - The operator shall clear within fifty (50) feet of either the raw green waste pile or mulch pile any combustible material, weeds, brush, trees or other vegetation (including mulch) that is, or could become, dry and capable of transmitting fire. Clearance shall be to bare earth or approved all-weather surfacing. Individual live trees within that distance may remain with approval of the FAHJ.

(n) Site Equipment Maintenance-General Safety Rules - Welding operations shall be conducted a minimum of 30 feet from combustible materials, and a fire watch shall be established by operators to operate fire-extinguishing equipment. Refueling and on-site maintenance shall meet the requirements of California Fire Code Section 57 (Flammable and Combustible Liquids). **(Ord. No. 2014-1385, 1/28/14)**

(o) Security Bond/Financial Commitment for Cost Recovery - A security bond or alternate financial security acceptable to the City Attorney shall be submitted to the FAHJ, the amount of which shall depend on the size of operation and the likely expenses of any emergency response and/or enforcement action by the FAHJ to protect the public from fire or hazardous substances. The security bond/financial commitment shall be returned to the operator upon satisfactory closure of the operation, as approved by the FAHJ.

17.64.290 Penalties. Any violation of the provisions of this Chapter shall constitute a misdemeanor, punishable as provided in Section 1.12.020 Municipal Code (Violation as Misdemeanor) of this Code. **(Ord. No. 2014-1385, 1/28/14)**

an explosive sound, is hereby prohibited within the City of San Marcos. The City Council may permit the public display of fireworks by properly qualified individuals or organized bodies under the direct supervision of experts in the handling of fireworks.

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