

BUILDING STANDARDS COMMISSION

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



January 8, 2014

Glenn Schainblatt
Building Official
City of Sebastopol
7425 Bodega Avenue
Sebastopol, CA 95472

RE: Ordinance #1066

Dear Mr. Schainblatt:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 5, 2013.

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

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Enrique M. Rodriguez", is written over a horizontal line.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



City of Sebastopol

Building Department

7425 Bodega Ave., Sebastopol, CA 95472

707-823-8597 707-823-4703 fax

sbd@sonic.net

www.ci.sebastopol.ca.us



December 3, 2013

California Building Standards Commission
2525 Natomas Park Dr., Suite 120
Sacramento, California 95833

RE: City of Sebastopol Code adoption Ordinance

Mr. Jim McGowan:

The City of Sebastopol has adopted the current editions of the California Building, Fire, Residential, Plumbing, Mechanical, Electrical, Energy and Green Building Standards Codes.

The City of Sebastopol has recommended changes and modifications to the Codes and have advised that certain said changes and modifications to the 2013 Editions of the California Building, Fire, Residential, Plumbing, Mechanical, Electrical, Energy and Green Building Standards Codes are reasonably necessary due to local conditions in the City of Sebastopol and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by then Code or are reasonably necessary to safeguard life and property within the City of Sebastopol.

The enclosed City Ordinances are for your files.

If additional information is desired please telephone this office at 707 823 8597.

Respectfully,

Glenn Schainblatt
Building Official

Bill Braga
Fire Chief

2013 DEC - 5 PM 3:05
CALIFORNIA BUILDING
STANDARDS COMMISSION

ORDINANCE NO.1066

An Ordinance of the City Council of Sebastopol; providing for the protection of the public health, safety, and welfare: providing for the repeal of Ordinance No. 1039 and adopting by reference the 2013 Edition of the California Building Code parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 as published by the International Code Council, The California Code of Regulations (CCR), Title 24, Parts 1,2,2.5.3,4,5,6,8,9,10, 11 and 12 of the 2013 Edition as published by the California Building Standards Commission (CBSC); The 2012 Edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials; The 2011 Edition of the National Electrical Code as published by the National Fire Protection Association; the 2012 Edition of the Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; The 2012 Edition of the National Fire Protection Association Fire Codes, providing for the issuance of permits and collection of fees thereof: together with amendments and additions to the various codes; providing penalties for the violation thereof and repealing all ordinances in conflict therewith and adopt by reference The 2012 International Fire Code containing regulations promulgated by the State Fire Marshal (SFM) regarding the prevention of fire and for the protection of life and property against fire and panic in any building including all appendices, errata and supplements thereto, as published by the CBSC applicable to the 2013 California Building Code with amendments, additions and or deletions as promulgated by the Sebastopol City Council. Amending City of Sebastopol Municipal Code Chapter 15 sections 15.04, 15.08, 15.10, 15.74

A. Recitals.

- (i) **Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code § 50020, et.Seq.** Requires a local agency to take legislative action by ordinance to adopt by reference the most current edition of the California Building Codes & International Codes, and the Uniform Codes.
- (ii) **Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, § 50022.6** requires that at least one copy of the primary adopted code shall be filed with the office of the city clerk of the legislative body at least 15 days preceding the hearing and shall be kept there for public viewing while the ordinance is in force.
- (iii) **Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, §50022.3** requires that after the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the legislative body shall schedule a public hearing thereon.

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

B. Ordinance.

Now THEREFORE, the City Council of the City of Sebastopol does hereby find, determine and ordain as follows:

SECTION 1. In all aspects, as set forth the Recitals, Part A, of this Ordinance.

SECTION 2. One (1) certified copy of each of the Codes so adopted, along with any Amendment thereto, shall be kept on file for the use and examination by the public and located at the Sonoma County Public Library, Sebastopol Branch in the City of Sebastopol.

SECTION 3. Adoption of **California Code Of Regulations Title 24, Part 1: California Administrative Code**. 2013 Edition, as published by the California Building Standards Commission.

SECTION 4. Adoption of **California Code of Regulations Title-24 Part 2 Volume 1 and 2** and the current edition of the International Building Code, the 2012 Edition Volumes 1, and 2 thereof as published by the International Code Council with the following amendments:

1. **Chapter 1 Section 105.2, exception 1.** Shall be revised to read as follows: One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet, (1 1.15m²). The height of the one story detached accessory building shall not exceed 12 feet (included metric sf) at any point or as specified by local zoning ordinance.
2. **Chapter 1 Section 105.2, exception 6.** Platforms, decks, sidewalks, and driveways not more than 30 inches (762mm) above adjacent grade, not over any basement or story below and are not part of an accessible route.
3. **Chapter 1 Section 109.4** Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee has been set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
4. **Chapter 1 Section 109.7** Re inspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Reinspection fees may be assessed when: the inspection record card is not posted or otherwise available on the work site; the approved plans are not readily available to the inspector; for failure to provide access on the date for which inspection is requested; or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Table 1 or as set forth in the fee schedule adopted by the jurisdiction.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

5. **Chapter 1 Section 109.8 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee has been set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Chapter 9 Fire Protection Systems

Section 903.2.3 is deleted and replaced to read:

903.2.3 Changes of Occupancy. Any change of occupancy when the proposed new occupancy classification is more hazardous based on life and fire risk, as determined by the Fire Code Official, including the conversion of residential buildings to condominiums, the building shall meet the requirements for a newly constructed building.

Subsections 903.2.4 through 903.2.13 are deleted.

903.3 Installation Requirements. Sprinkler systems shall be installed in accordance with NFPA 13, NFPA 13R if approved by the Fire Code Official and NFPA 13D.

Sections 903.3.1 is amended to read.

903.3.1 Design Criteria. Fire sprinkler systems installed in buildings of an undetermined use shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of 3000 sf. ~~shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of 3000 square feet.~~ Where a subsequent occupancy

change requires a system with greater capacity, it shall be the building owner's responsibility to upgrade the system to the required density.

907.1.5 False Alarms.

a. **EMERGENCY** is an occasion that reasonably calls for a response by the fire department. A response due to failure of an alarm system or to personnel error is not an emergency.

b. **FALSE ALARM** is an alarm signal necessitating response by the fire department when an emergency does not exist.

907.1.6 is amended to read

907.1.6 Notice of False Alarm. The chief shall determine whether an emergency exists at the time the fire department responds to an alarm signal from a fire alarm system. If the chief determines that an emergency does not exist, the chief shall issue a written notice of false alarm to the owner or person in charge or control of the facility where the alarm signal originated.

907.1.7 is amended to read

907.1.7 Hearing on Notice. Any person receiving a notice of false alarm who contends that the chief erroneously determined that an emergency did not exist may file a written request with the chief for a hearing on the determination within ten (10) days after receipt of the notice of false alarm. The chief shall give the requesting party a hearing on the determination within thirty (30) days of receipt of the request. The request shall set forth: (1) why an emergency existed, or (2) why the false alarm resulted from an act of God, flooding, or other violent natural condition without fault and beyond the control of the requesting party. Within ten (10) days following the hearing, the chief shall give written notice of his or her decision to the requesting party.

907.1.8 is amended to read

907.1.8 Unreliable Fire Alarm Systems. The chief may determine a fire alarm system to be unreliable upon receipt of more than four (4) false alarms within a twelve (12) month period. Upon finding that an alarm system is unreliable, the chief may order the following:

a. Upon the fifth (5th) and sixth (6th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$150.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence.

b. 2. Upon the seventh (7th) and eighth (8th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation

fee to the fire department of \$300.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance for each occurrence.

c. 3. Upon the ninth (9th) and following false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$500.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence. The chief may, in addition, require the system owner to provide standby personnel as defined by Section 2501.18 or take such other measures, as the chief deems appropriate. Persons or activities required by the chief shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the chief that the alarm system has been restored to a reliable condition. The chief may require such tests, as he deems necessary to demonstrate the adequacy of the system.

Section 903.2.20.4 is added to read:

903.2.20.4 Additions, Remodel, Alteration, or Repairs

1. Additions to existing commercial buildings that increase square footage by 25% or greater shall meet the requirements for a newly constructed building. All additions to commercial buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
2. Additions to existing residential buildings that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
 - a. For remodels, alterations or repairs to an existing building involving demolition, removal or repair of more than 50% of the structure (to include walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations or similar components), the building shall meet the requirements for a newly constructed building.
3. The percentage of work shall be determined and added to any successive remodels that may occur within a subsequent three (3) year period. If the combined percentage totals 50% or more, this work shall constitute a substantial improvement and the building shall be subject to the fire sprinkler requirement.

Exceptions:

Alterations or additions made solely for the purpose of complying with the Americans with Disabilities Act.

4. Any combination thereof to the structure where the improvements equals or exceeds fifty percent (50%) of the structure, the entire building shall meet the requirements for a newly constructed building.

Appendix Chapter J of the California Building Code, 2013 Edition, is hereby adopted with the following amendments:

- A. Insofar as they apply to the permitting of work regulated by this Ordinance, the Organization and Enforcement of this Ordinance shall be as set forth in Section 104 Chapter 1 of the California Building Code, 2013 Edition, with the exception that the City Engineer shall be the designated code enforcement officer and shall have all the powers and duties ascribed to the building official therein.
- B. All references in Appendix Chapter J to the Building Official are hereby amended to refer to the City Engineer.
- C. Notwithstanding A. and B. above, demolition permits shall remain under the authority of the Building Official.

Appendix Chapter J, Section J 103, is hereby amended to include the Grading Permit Application Requirements adopted by a separate resolution of the City Council. In the case of any discrepancies between the provisions of this Ordinance including the Code sections adopted by reference herein, and the Grading Permit Application Requirements, the latter shall supersede.

Appendix Chapter J, Section J 102, is hereby amended to read as follows:

Engineered Grading - Grading in excess of 500 cubic yards (382 cubic meters), and /or grading performed as part of a subdivision, and/or grading performed within two feet (2') of a property line shall be performed in accordance with the approved grading plan prepared by a civil engineer.

Regular Grading - Regular Grading is considering grading involving less than 500 cubic yards and not meeting either of the other two conditions listed above. Unless the permittee chooses to have the grading performed as engineered grading, or the City Engineer

determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

In addition to the provisions of Section 106, A grading plan shall be prepared by a registered civil engineer, and shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform with the requirements of this code.

Section J 110.1 Erosion Control , is hereby amended to include the following:

Erosion control and sediment control plans are required for the following:

- 1.Grading operations performed between October 1st and April 15th.
- 2.Grading along Calder Creek or Zimpher Creek or their tributaries, or on lands that discharge drainage directly to the Laguna de Santa Rosa
- 3.Grading on hillsides with a slope of 10% or greater.

Erosion control plans shall reference and be in conformance with the "Erosion and Sediment Control Field Manual" published by the San Francisco Regional Water Quality Control Board, and the State Water Quality Control Board Construction General Permit (WQO 99-08-DWQ or latest adopted order).

With respect to the activities regulated by this Ordinance (i.e., Excavation, Grading and Earthwork Construction, CBC Section 112 (incorporated herein by reference) is hereby amended to include the following language:

The Sebastopol Design Review Board is hereby designated by the City Council as the board of appeals for activities regulated by this Ordinance.

SECTION 5. Adoption of California Code Of Regulations Title 24, Part 2.5: California Residential Building Code. 2013 Edition as published by the International Conference of Building Officials, with the following amendments:

Section 105.2 Part II is adopted with the following amendments

1. **Chapter 1 Section 105.2, exception 1.** Shall be revised to read as follows: One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet, (1 1.15m²). The height of the one story detached accessory building shall not exceed 12 feet (metric ???) at any point or as specified by local zoning ordinance.
2. **Chapter 1 Section 10.5.2, exception 6.** Platforms, decks, sidewalks, and driveways not more than 30 inches (762mm) above adjacent grade, not over any basement or story below and are not part of an accessible route.

3. **Chapter 1 Section 108.6 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee has been set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Add New Section

4. **Chapter 1 Section 108.7 Reinspections.** A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when: the inspection record card is not posted or otherwise available on the work site; the approved plans are not readily available to the inspector; for failure to provide access on the date for which inspection is requested; or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Table 1 or as set forth in the fee schedule adopted by the jurisdiction.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

Add New Section

5. **Chapter 1 Section 108.8 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee has been set forth in the fee schedule adopted by this

jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Add new section

R313.1 has been amended to read

313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed and maintained in townhouses.

1. Additions to existing townhouse that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to a townhouse with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
 - a. For remodels, alterations or repairs to an existing building involving demolition, removal or repair of more than 50% of the structure (to include walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations or similar components), the building shall meet the requirements for a newly constructed building.
2. The percentage of work shall be determined and added to any successive remodels that may occur within a subsequent three (3) year period. If the combined percentage totals 50% or more, this work shall constitute a substantial improvement and the building shall be subject to the fire sprinkler requirement.
3. Any combination thereof to the structure where the improvements equals or exceeds fifty percent (50%) of the structure, the entire building shall meet the requirements for a newly constructed building.

R313.2 has been amended to read:

R313.2 One-and-two-family dwellings automatic fire systems. An automatic sprinkler system shall be installed and maintained in all one-and-two family dwellings throughout.

Exceptions:

- i. Detached Group U occupancies 1,000 sq. ft. or less. Agricultural exempt buildings and agricultural buildings as approved by the Fire Code Official.
- ii. Detached pool houses up to 1,000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.

iii. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities or connections for such facilities.

iv. Carports of non-combustible construction.

R313.2.2 Additions, Alterations, Remodels, or Repairs.

1. Additions to existing residential buildings that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to one-and-two family dwellings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
 - a. For remodels, alterations or repairs to an existing building involving demolition, removal or repair of more than 50% of the structure (to include walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations or similar components), the building shall meet the requirements for a newly constructed building.

2. The percentage of work shall be determined and added to any successive remodels that may occur within a subsequent three (3) year period. If the combined percentage totals 50% or more, this work shall constitute a substantial improvement and the building shall be subject to the fire sprinkler requirement.

3. Any combination thereof to the structure where the improvements equals or exceeds fifty percent (50%) of the structure, the entire building shall meet the requirements for a newly constructed building.

SECTION 6. Adoption of the **California Code of Regulations Title 24, Part 3: The California Electrical Code**, 2013 Edition, as published by National Fire Protection Agency.

SECTION 7. Adoption of the **California Code of Regulations Title 24, Part 4: The California Mechanical Code**, 2013 Edition, as published by the International Association of Plumbing & Mechanical Officials, with the following amendments: Appendix Chapter D.

SECTION 8. Adoption of **California Code of Regulations Title 24, Part 5: The California Plumbing Code**, 2013 Edition and appendices thereof as published by the International Association of Plumbing & Mechanical Officials with the following amendments: Appendix Chapters A, D, and I

SECTION 9 . Adoption of California Code Of Regulations Title 24, Part 6: California Energy Code. 2012 Edition, as published by the International Conference of Building Officials.

SECTION 10. Adoption of **California Code Of Regulations Title 24, Part 8: California Historical Building Code.** 2013 Edition, as published by the California Building Standards Commission.

SECTION 11. Adoption of the **California Code of Regulations Title 24, Part 9 2013 California Fire Code** and the 2012 International Fire Code, Appendix Chapters B, C, and D. with the following amendments.

Chapter 1 ADMINISTRATION

Section 101.1 Shall be revised to read: These regulations shall be known as the *Fire Code of the City of Sebastopol*, hereinafter referred to as "this code"

ADD New Section

Section 104.2.1 Application for Permit Fees: All applications for a permit required by this Code shall be made to the Bureau of Fire Prevention in such form and detail, as it shall prescribed. Applications for permits shall be accompanied with such plans as are required by the Bureau. The City Council may establish fees by resolution for permit applications.

ADD New Section

.Section 109.3.2 Citations. The Chief is authorized to issue a citation to persons operating or maintaining an occupancy, premise, or vehicle subject to this code, who allows a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises, or vehicle when ordered or notified to do so.

Chapter 2 DEFINITIONS

Section 202 Wherever the word "jurisdiction" is used in the 2010 California Fire Code and 2009 International Fire Code, it shall be understand to mean that the City of Sebastopol is the local fire authority having jurisdiction (AHJ).

Section 202 Where the party responsible for the enforcement of the 2010 California Fire Code and 2009 International Fire Code is given the title of "fire marshal," add the following definition:

FIRE MARSHAL is the chief of the bureau of fire prevention

Amend Chapter 3 General Precautions to read:

Section 304.1.2.1 is added to read:

304.1.2.1 Vegetation non developed parcel. Any parcel that is next to a developed parcel and is a threat to a structure shall be required to maintain a minimum 20 feet of clearance on the property line adjacent to the structure.

Exemptions: When approved by the Fire Code Official or if a hazard does not exist

Section 307.1.2 is added to read Open Burning. Open burning within the City limits of Sebastopol, including incinerators of all types, is prohibited, except for agricultural burning permitted by the Bay Area Air Quality Management District.

EXCEPTION: Barbecues used for cooking purposes, provided the barbecues shall not be used for burning rubbish, paper, boxes, grass, brush or other combustible items, except charcoal, natural gas or other materials commonly used in barbecues for cooking purposes.

Amend CHAPTER 5 FIRE SERVICE FEATURES to read as follows:

Section 505.1.1 is amended to read:

505.1.1 Size and Width.

- i. Commercial Buildings shall be 12" inches in height with 1" inch (24.5mm) stroke. Suite Numbers shall be six (6") inches in height and ½ inches (12.7mm) stroke.
 - ii. Residential Buildings shall be 4" inches in height and 3/8 inches (9.525mm) stroke.
- Exception: All sizes can be reduced with the approval of the fire code official.

Chapter 9 Fire Protection Systems

Section 902 is amended to add the following definitions

EMERGENCY is an occasion that reasonably calls for a response by the fire department. A response due to failure of an alarm system or to personnel error is not an emergency.

FALSE ALARM is an alarm signal necessitating response by the fire department when an emergency does not exist.

Section 903.2.3 is deleted and replaced to read:

903.2.3 Changes of Occupancy. Any change of occupancy when the proposed new occupancy classification is more hazardous based on life and fire risk, as determined by the Fire Code Official, including the conversion of residential buildings to condominiums, the building shall meet the requirements for a newly constructed building.

Subsections 903.2.4 through 903.2.13 are deleted.

903.3 Installation Requirements. Sprinkler systems shall be installed in accordance with NFPA 13, NFPA 13R if approved by the Fire Code Official and NFPA 13D.

Sections 903.3.1 is amended to read.

903.3.1 Design Criteria. Fire sprinkler systems installed in buildings of an undetermined use shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of 3000 square feet. Where a subsequent occupancy change requires a system with greater capacity, it shall be the building owner's responsibility to upgrade the system to the required density.

Section 903.2.20.4 is added to read:

903.2.20.4 Additions, Remodel, Alteration, or Repairs

1. Additions to existing commercial buildings that increase square footage by 25% or greater shall meet the requirements for a newly constructed building. All additions to commercial buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
2. Additions to existing residential buildings that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
 - a. For remodels, alterations or repairs to an existing building involving demolition, removal or repair of more than 50% of the structure (to include walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations or similar components), the building shall meet the requirements for a newly constructed building.
3. The percentage of work shall be determined and added to any successive remodels that may occur within a subsequent three (3) year period. If the combined percentage totals 50% or more, this work shall constitute a substantial improvement and the building shall be subject to the fire sprinkler requirement.

Exceptions:

Alterations or additions made solely for the purpose of complying with the Americans with Disabilities Act.

4. Any combination thereof to the structure where the improvements equals or exceeds fifty percent (50%) of the structure, the entire building shall meet the requirements for a newly constructed building.

907.1.5 False Alarms.

c. **EMERGENCY** is an occasion that reasonably calls for a response by the fire department. A response due to failure of an alarm system or to personnel error is not an emergency.

d. **FALSE ALARM** is an alarm signal necessitating response by the fire department when an emergency does not exist.

907.1.6 is amended to read

907.1.6 Notice of False Alarm. The chief shall determine whether an emergency exists at the time the fire department responds to an alarm signal from a fire alarm system. If the chief determines that an emergency does not exist, the chief shall issue a written notice of false alarm to the owner or person in charge or control of the facility where the alarm signal originated.

907.1.7 is amended to read

907.1.7 Hearing on Notice. Any person receiving a notice of false alarm who contends that the chief erroneously determined that an emergency did not exist may file a written request with the chief for a hearing on the determination within ten (10) days after receipt of the notice of false alarm. The chief shall give the requesting party a hearing on the determination within thirty (30) days of receipt of the request. The request shall set forth: (1) why an emergency existed, or (2) why the false alarm resulted from an act of God, flooding, or other violent natural condition without fault and beyond the control of the requesting party. Within ten (10) days following the hearing, the chief shall give written notice of his or her decision to the requesting party.

907.1.8 is amended to read

907.1.8 Unreliable Fire Alarm Systems. The chief may determine a fire alarm system to be unreliable upon receipt of more than two (2) false alarms within a twelve (12) month period. Upon finding that an alarm system is unreliable, the chief may order the following:

d. Upon the third (3th) and fourth (4th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$1500.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence.

e. 2. Upon the fifth (5th) and sixth (6th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$3000.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance for each occurrence.

f. 3. Upon the seventh (7th) and following false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$5000.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence. The chief may, in addition, require the system owner to provide standby personnel as defined by Section 2501.18 or take such other measures, as the chief deems appropriate. Persons or activities required by the chief shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the chief that the alarm system has been restored to a reliable condition. The chief may require such tests, as he deems necessary to demonstrate the adequacy of the system.

Chapter 33 Fire Safety During Construction And Demolition

Section 3314.3 is amended to read

3314.3 Large building sprinkler protections

Building in excess of three stories in height or having a first story in excess on 100,000 square feet in area shall provide an approved operating fire sprinkler system on each floor during construction prior to continuing construction on upper stories.

Chapter 33 Explosives and Fireworks

Section 3301.2 is added to read Limits Established by Law.

The limits referred to in Section 3308.1 in which the storage of explosives and blasting caps or agents, is prohibited, are established as being all areas except "M" zones, Industrial Districts, as defined in the Sebastopol Zoning Ordinance,

Section 3301.3 is added to read Prohibition.

During the period beginning at noon on June 28th and ending at midnight July 4th, fireworks classified as "Safe and Sane" by the California State Fire Marshal's Office, may be possessed and discharged within the City Limits of Sebastopol in compliance with all applicable State and Local regulations, including Council Resolution #3082.

Chapter 34 Flammable and Combustible Liquids

3406.2.4.4 is amended as follows: The limits referred to in section 3406.2.4.4, in which the storage of flammable or combustible liquids in outside above ground storage tanks is prohibited in all zones except "M" Zones, Industrial Districts, as identified in the Sebastopol

Zoning Ordinance.

Chapter 38 Liquefied Petroleum Gases

Section 3804.2 is amended as follows: Maximum capacity within established limits. Within the city limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 500 gallons and are prohibited in all zones except "M" Zones, Industrial Districts, as identified in the Sebastopol Zoning Ordinance.

SECTION 12. Adoption of the **California Code of Regulations Title 24 Part 10 California Existing Building Code** 2012 Edition as published by the International Code Conference International Existing Building Code with the following amendments: Appendix A1

SECTION 13. Adoption of **California Code of Regulations Title-24 Part 2 Volume 11 California Green Building Standards Code** 2014 edition as published by the International Code Conference with the following amendments Appendix Chapters A4 Tier 1 and Appendix Chapter A5 Tier 1.

Amend Chapter 2 Definitions

Section 202 is amended to read:

Newly Constructed (or New Construction) A newly constructed building (or new construction) includes additions of over 500 square feet for residential construction or 1800 square feet for non residential construction, alterations or repairs of 50 percent or greater to any existing building.

Amend Appendix A4 Residential Voluntary Measures to read as follows:

Division A4.6

A406.601.1 The Tier 1 measures contained in this appendix, Division A4.1, A4.3, A4.4, A4.5 and A4.6 are adopted as mandatory provisions

Amend Appendix Chapter A5 Nonresidential Voluntary Measures to read as follows:

Division A5

A506.601.1 The Tier 1 measures contained in this appendix, Division A5.1, A5.3, A5.4, A5.5 and A5.6 are adopted as mandatory provisions.

SECTION 14. Adoption of **California Code Of Regulations Title 24, Part 12: California Reference Standards Code.** 2012 Edition, published by the California Building Standards Commission,

SECTION 15. Adoption of the current edition of the **National Fire Code** as published by the National Fire Protection Association.

SECTION 16. The 2013 California Fire Code and 2012 International Fire Code as adopted and amended herein shall be enforced by the bureau of fire prevention (or other designated agency) in the fire department of the City of Sebastopol

SECTION 17. Building Inspection Department. There is hereby established a Building and Safety Division of the City of Sebastopol, pursuant to the provisions of the respective Codes adopted by this Ordinance.

SECTION 18. Non-Liability of City of Sebastopol. This Ordinance shall not be construed as imposing upon the City of Sebastopol (or any official or employee thereof) any liability or responsibility for damages to any property or injuries to any person resulting from defects in building construction, defective plumbing, or drainage systems (or installations thereof), electrical or gas installations, or by installations of containers for the use of flammable products, nor shall the City of Sebastopol (or any official or employee thereof) be held as assuming any such liability or responsibility for property damage from any cause whatsoever which may have been caused by a gas leakage, fire or explosion of any gas appliance or house gas piping, electrical application or electrical wiring or from the storage or use of flammable and/or hazardous materials.

SECTION 19. Violations and Penalties. Any person violating any of the provisions of this Ordinance shall be deemed guilty of an infraction and any person violating the same section or a portion of an Ordinance on a second or subsequent occasion shall thereafter be deemed guilty of a misdemeanor and upon conviction of either an infraction or a misdemeanor shall be punishable by law.

SECTION 20. Repeal of Conflicting Ordinances.

All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 21. Fees.

The City Council of the City of Sebastopol may establish permit fees as set forth by resolution.

SECTION 22. Findings of Fact.

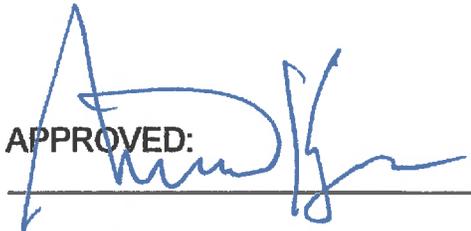
Pursuant to Health and Safety Code Section 17958.7, the Finding of Fact, as submitted in Exhibit A and B of this Ordinance, are made in connection with the adoption of revisions or additions to the 2010 editions of the California Administrative Code, Building Code, Residential Code, Fire Code, Electrical Code, Plumbing Code, Mechanical Code, Energy Code, Elevator Safety Construction Code, Historical Building Code, Fire Code, Existing Building Code, Green Building Standards and Referenced Standards Code.

SECTION. 23. Effective Date. This Ordinance shall become effective January 1, 2014.

IN COUNCIL DULY APPROVED FOR INTRODUCTION AND FIRST READING on the 15th day of October, 2013.

IN COUNCIL DULY APPROVED FOR SECOND READING AND ADOPTION on the 5th day of November, 2013.

APPROVED:



Michael Kyes, Mayor

VOTE:

AYES: Councilmembers Eder, Gurney, Slayter, Vice Mayor Jacob and Mayor Kyes

NOES: None

ABSENT: None

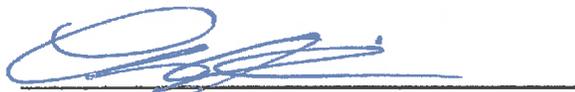
ABSTAIN: None

ATTEST:



Mary Gourley, CMC, City Clerk

APPROVED AS TO FORM:



Larry McLaughlin, City Attorney

Title 15

BUILDING AND CONSTRUCTION

Chapters:

- 15.04 California Building Code**
- 15.08 Excavation, Grading and Earthwork Construction**
- 15.10 Repair of Damaged Structures**
- 15.12 Abatement of Buildings**
- 15.16 Flood Damage Prevention**
- 15.20 Definitions**
- 15.24 General Provisions**
- 15.28 Administrative**
- 15.30 Variance Procedure**
- 15.32 Provisions For Flood Hazard Reduction**
- 15.36 Water Efficient Landscape Program**
- 15.46 Moving of Buildings and Other Structures**
- 15.50 Barb Wire Fences**
- 15.54 Uniform System of Numbering Houses and Buildings**
- 15.58 Fire Zones**
- 15.62 Sprinkler Requirements**
- 15.66 Underground Utility District**
- 15.70 Installation of Wood Burning Appliances**
- 15.72 Mandatory Photovoltaic System Requirements**
- 15.74 Safety Assessment Placards**
- 15.76 Administrative Citations**
- 15.77 Urban Runoff Reduction Requirements**
- 15.80 Universal Design**

Chapter 15.04

INTERNATIONAL BUILDING CODE

Sections:

15.04.010	Adoption of Codes by Reference
15.04.020	Certified Copies On File
15.04.030	Adoption of the California Administrative Code.
15.04.040	Adoption of the California Building Code
15.04.050	Adoption of the California Residential Code
15.04.060	Adoption of the California Electrical Code
15.04.070	Adoption of the California Plumbing Code
15.04.080	Adoption of the California Mechanical Code
15.04.090	Adoption of the California Energy Code
15.04.100	
15.04.110	Adoption of the California Historical Building Code
15.04.120	Adoption of the California Fire Code
15.04.130	Adoption of the California Existing Building Code
15.04.140	Adoption of the California Green Building Standards
15.04.150	Adoption of the California Referenced Standards Code
15.04.160	Adoption of the International Existing Building Code
15.04.170	Adoption of the National Fire Code
15.04.180	Building Inspection Department
15.04.190	Non-Liability of City of Sebastopol
15.04.200	Violations and Penalties
15.04.210	Repeal of Conflicting Ordinances
15.04.220	Fees
15.04.230	Findings of Fact

15.04.010 **Adoption of Codes by Reference**

For the purpose of establishing proper regulations for building construction, installation of plumbing systems, gas appliances and electrical systems; for the storage and handling of flammable liquids and for establishing the minimum standards for the health, safety and welfare of the general public, the International Codes, together with any amendments thereof, as hereinafter set forth in the Ordinance, are adopted and made part of this Ordinance.

15.04.020 **Certified Copies on File**

One (1) certified copy of each of the Codes so adopted, along with any Amendment thereto, shall be kept on file for the use and examination by the public and located at the Sonoma County Public Library, Sebastopol Branch in the City of Sebastopol.

15.04.030 **Adoption of the California Administrative Code**

California Administrative Code, the 2013 edition, as published by the International Code Council

15.04.040 **Adoption of the International Building Code**

California Building Code, the 2013 Edition Volumes 1 and 2 and the Appendices thereof as published by the International Code Conference,

- (1) Section 105.2, exception 1. Shall be revised to read as follows: One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet, (1 1.15m²). The height of the one story detached accessory building shall not exceed 12 feet at any point or as specified by local zoning ordinance.

- (2) Section 105.2, exception 6 Platforms, sidewalks, and driveways not more than 30 inches (762mm) above adjacent grade, not over any basement or story below and are not part of an accessible route.
- (3) Section 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- (4) Section 109.7 Re inspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector. For failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Table 1 or as set forth in the fee schedule adopted by the jurisdiction. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.
- (5) Section 109.8 Violation penalties. Any persons who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- (6) Section 505.1 Shall read as follows: 505.1.1 Size and Width.
- i. Commercial Buildings shall be 12" inches in height with 1" inch (24.5mm) stroke. Suite Numbers shall be six (6") inches in height and ½ inches (12.7mm) stroke.
 - ii. Residential Buildings shall be 4" inches in height and 3/8 inches (9.525mm) stroke.
Exception: All sizes can be reduced with the approval of the fire code official.

Chapter 9 Fire Protection Systems

Section 903.2.3 is deleted and replaced to read:

903.2.3 Changes of Occupancy. Any change of occupancy when the proposed new occupancy classification is more hazardous based on life and fire risk, as determined by the Fire Code Official, including the conversion of residential buildings to condominiums, the building shall meet the requirements for a newly constructed building.

Subsections 903.2.4 through 903.2.13 are deleted.

903.3 Installation Requirements. Sprinkler systems shall be installed in accordance with NFPA 13, NFPA 13R if approved by the Fire Code Official and NFPA 13D.

Sections 903.3.1 is amended to read.

903.3.1 Design Criteria. Fire sprinkler systems installed in buildings of an undetermined use shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of 3000 s shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of 3000 square feet. Where a subsequent occupancy change requires a system with greater capacity, it shall be the building owner's responsibility to upgrade the system to the required density.

907.1.5 False Alarms.

a. **EMERGENCY** is an occasion that reasonably calls for a response by the fire department. A response due to failure of an alarm system or to personnel error is not an emergency.

b. **FALSE ALARM** is an alarm signal necessitating response by the fire department when an emergency does not exist.

907.1.6 is amended to read

907.1.6 Notice of False Alarm. The chief shall determine whether an emergency exists at the time the fire department responds to an alarm signal from a fire alarm system. If the chief determines that an emergency does not exist, the chief shall issue a written notice of false alarm to the owner or person in charge or control of the facility where the alarm signal originated.

907.1.7 is amended to read

907.1.7 Hearing on Notice. Any person receiving a notice of false alarm who contends that the chief erroneously determined that an emergency did not exist may file a written request with the chief for a hearing on the determination within ten (10) days after receipt of the notice of false alarm. The chief shall give the requesting party a hearing on the determination within thirty (30) days of receipt of the request. The request shall set forth: (1) why an emergency existed, or (2) why the false alarm resulted from an act of God, flooding, or other violent natural condition without fault and beyond the control of the requesting party. Within ten (10) days following the hearing, the chief shall give written notice of his or her decision to the requesting party.

907.1.8 is amended to read

907.1.8 Unreliable Fire Alarm Systems. The chief may determine a fire alarm system to be unreliable upon receipt of more than two (2) false alarms within a twelve (12) month period. Upon finding that an alarm system is unreliable, the chief may order the following:

a. Upon the third (3) and fourth (4th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$1500.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence.

b. 2. Upon the fifth (5th) and sixth (6th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$3000.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance for each occurrence.

c. 3. Upon the seventh (7th) and following false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$5000.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence. The chief may, in addition, require the system owner to provide standby personnel as defined by Section 2501.18 or take such other measures, as the chief deems appropriate. Persons or activities required by the chief shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the chief that the alarm system has been restored to a reliable condition. The chief may require such tests, as he deems necessary to demonstrate the adequacy of the system.

Section 903.2..20.4 is added to read:

903.2.20.4 Additions, Remodel, Alteration, or Repairs

1. Additions to existing commercial buildings that increase square footage by 25% or greater shall meet the requirements for a newly constructed building. All additions to commercial buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
2. Additions to existing residential buildings that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to residential buildings with an

existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.

- a. For remodels, alterations or repairs to an existing building involving demolition, removal or repair of more than 50% of the structure (to include walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations or similar components), the building shall meet the requirements for a newly constructed building.
3. The percentage of work shall be determined and added to any successive remodels that may occur within a subsequent three (3) year period. If the combined percentage totals 50% or more, this work shall constitute a substantial improvement and the building shall be subject to the fire sprinkler requirement.

Exceptions:

Alterations or additions made solely for the purpose of complying with the Americans with Disabilities Act.

4. Any combination thereof to the structure where the improvements equals or exceeds fifty percent (50%) of the structure, the entire building shall meet the requirements for a newly constructed building.

.50 Adoption of Residential Building Code

California Residential Code 2013 edition as published by the International Code Council

- (1) Section 105.2 Part II is adopted with the following amendments
 - Chapter 1 Section 105.2, exception 1. Shall be revised to read as follows: One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet, (1 1.15m²). The height of the one story detached accessory building shall not exceed 12 feet at any point or as specified by local zoning ordinance.
- (2) Chapter 1 Section 10.5.2, exception 6. Platforms, decks, sidewalks, and driveways not more than 30 inches (762mm) above adjacent grade, not over any basement or story below and are not part of an accessible route.
- (3) Chapter 1 Section 108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee establish by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five time the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- (4) Chapter 1 Section 108.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector. For failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Table 1 or as set forth in the fee schedule adopted by the jurisdiction. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.
- (5) Chapter 1 Section 108.8 Violation penalties. Any persons who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a

building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five times the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Add new section

R313.1 has been amended to read

313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed and maintained in townhouses.

1. Additions to existing townhouse that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to a townhouse with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
 - a. For remodels, alterations or repairs to an existing building involving demolition, removal or repair of more than 50% of the structure (to include walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations or similar components), the building shall meet the requirements for a newly constructed building.
2. The percentage of work shall be determined and added to any successive remodels that may occur within a subsequent three (3) year period. If the combined percentage totals 50% or more, this work shall constitute a substantial improvement and the building shall be subject to the fire sprinkler requirement.
3. Any combination thereof to the structure where the improvements equals or exceeds fifty percent (50%) of the structure, the entire building shall meet the requirements for a newly constructed building.

R313.2 has been amended to read:

R313.2 One-and-two-family dwellings automatic fire systems. An automatic sprinkler system shall be installed and maintained in all one-and-two family dwellings throughout.

Exceptions:

- i. Detached Group U occupancies 1,000 sq. ft. or less. Agricultural exempt buildings and agricultural buildings as approved by the Fire Code Official.
- ii. Detached pool houses up to 1,000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
- iii. A room above a detached garage used for storage only that does not contain a bathroom, cooking or refrigeration facilities or connections for such facilities.
- iv. Carports of non-combustible construction.

R313.2.2 Additions, Alterations, Remodels, or Repairs.

1. Additions to existing residential buildings that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to one-and-two family dwellings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
 - a. For remodels, alterations or repairs to an existing building involving demolition, removal or repair of more than 50% of the structure (to include walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations or similar components), the building shall meet the requirements for a newly constructed building.
2. The percentage of work shall be determined and added to any successive remodels that may occur within a subsequent three (3) year period. If the combined percentage totals 50% or more, this work shall constitute a substantial improvement and the building shall be subject to the fire sprinkler requirement.

3. Any combination thereof to the structure where the improvements equals or exceeds fifty percent (50%) of the structure, the entire building shall meet the requirements for a newly constructed building.

15.04.06 Adoption of the National Electrical Code

The California Electrical Code, 2013 Edition, as published by the National Fire Protection Association. With the following amendments:

- (1) Permit fees shall be adopted by separate Resolution

.70 Adoption of the International Mechanical Code

The California Mechanical Code, 2013 Edition and appendices thereof as published by the International Association of Plumbing and Mechanical Officials with the following amendments:

- (1) Delete Table 1-1 and adopt fees by separate Resolution

15.04.080 Adoption of the International Plumbing Code

The California Plumbing Code, 2013 Edition, as published by the International Association of Plumbing and Mechanical Officials with the following amendments:

- (1) Delete table 1-1 and adopt fees by Separate Resolution.

15.04.090 Adoption of the California Energy Code

The California Energy Code 2013 Edition as published by the International Code Council

15.04.100

15.04.110 California Historical Building Code

The California Historical Building Code 2013 edition as published by the International Code Conference

15.04.120 California Fire Code

The California Fire Code, the 2013 Edition Volumes 1 and 2 and the Appendix Chapters B,C and D thereof as published by the International Code Conference,

Chapter 1 ADMINISTRATION

Section 101.1 Shall be revised to read: These regulations shall be known as the *Fire Code of the City of Sebastopol*, hereinafter referred to as "this code"

ADD New Section

Section 104.2.1 Application for Permit Fees: All applications for a permit required by this Code shall be made to the Bureau of Fire Prevention in such form and detail, as it shall prescribe. Applications for permits shall be accompanied such plans as are required by the Bureau. The City Council may establish fees by resolution for permit applications.

ADD New Section

.Section 109.3.2 Citations. The Chief is authorized to issue a citation to persons operating or maintaining an occupancy, premise, or vehicle subject to this code, who allows a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises, or vehicle when ordered or notified to do so.

Chapter 2 DEFINITIONS

Section 202 Wherever the word "jurisdiction" is used in the 2013 California Fire Code and 2012 International Fire Code, it shall be understand to mean that the City of Sebastopol is the local fire authority having jurisdiction (AHJ).

Section 202 Where the party responsible for the enforcement of the 2013 California Fire Code and 2012 International Fire Code is given the title of "fire marshal," add the following definition:

FIRE MARSHAL is the chief of the bureau of fire prevention

Amend Chapter 3 General Precautions to read:

Section 307.1.2 is added to read Open Burning. Open burning within the City limits of Sebastopol, including incinerators of all types, is prohibited, except for agricultural burning permitted by the Bay Area Air Quality Management District.

EXCEPTION: Barbecues used for cooking purposes, provided the barbecues shall not be used for burning rubbish, paper, boxes, grass, brush or other combustible items, except charcoal, natural gas or other materials commonly used in barbecues for cooking purposes.

Section 304.1.2.1 is added to read:

304.1.2.1 Vegetation non developed parcel. Any parcel that is next to a developed parcel and is a threat to a structure shall be required to maintain a minimum 20 feet of clearance on the property line adjacent to the structure.

Exemptions: When approved by the Fire Code Official or if a hazard does not exist

Amend CHAPTER 5 FIRE SERVICE FEATURES to read as follows:

Section 505.1.1 is amended to read:

505.1.1 Size and Width.

iii. Commercial Buildings shall be 12" inches in height with 1" inch (24.5mm) stroke. Suite Numbers shall be six (6") inches in height and ½ inches (12.7mm) stroke.

iv. Residential Buildings shall be 4" inches in height and 3/8 inches (9.525mm) stroke.

Exception: All sizes can be reduced with the approval of the fire code official.

Chapter 9 Fire Protection Systems

Section 902 is amended to add the following definitions

EMERGENCY is an occasion that reasonably calls for a response by the fire department. A response due to failure of an alarm system or to personnel error is not an emergency.

FALSE ALARM is an alarm signal necessitating response by the fire department when an emergency does not exist.

Section 903 is amended to read as follows:

Section 903.2.3 is deleted and replaced to read:

903.2.3 Changes of Occupancy. Any change of occupancy when the proposed new occupancy classification is more hazardous based on life and fire risk, as determined by the Fire Code Official, including the conversion of residential buildings to condominiums, the building shall meet the requirements for a newly constructed building.

Subsections 903.2.4 through 903.2.13 are deleted.

903.3 Installation Requirements. Sprinkler systems shall be installed in accordance with NFPA 13, NFPA 13R if approved by the Fire Code Official and NFPA 13D.

Sections 903.3.1 is amended to read.

903.3.1 Design Criteria. Fire sprinkler systems installed in buildings of an undetermined use shall be designed and installed to have a design density of .33 gallons per minute per square foot over a minimum design area of 3000 square feet. Where a subsequent occupancy change requires a system with greater capacity, it shall be the building owner's responsibility to upgrade the system to the required density.

Section 903.2..20.4 is added to read:

903.2.20.4 Additions, Remodel, Alteration, or Repairs

1. Additions to existing commercial buildings that increase square footage by 25% or greater shall meet the requirements for a newly constructed building. All additions to commercial buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
2. Additions to existing residential buildings that increase the square footage by 50% or greater shall meet the requirements for a newly constructed building. All additions to residential buildings with an existing approved automatic sprinkler system shall be required to extend the sprinkler system into the addition.
 - a. For remodels, alterations or repairs to an existing building involving demolition, removal or repair of more than 50% of the structure (to include walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations or similar components), the building shall meet the requirements for a newly constructed building.
3. The percentage of work shall be determined and added to any successive remodels that may occur within a subsequent three (3) year period. If the combined percentage totals 50% or more, this work shall constitute a substantial improvement and the building shall be subject to the fire sprinkler requirement.

Exceptions:

Alterations or additions made solely for the purpose of complying with the Americans with Disabilities Act.

4. Any combination thereof to the structure where the improvements equals or exceeds fifty percent (50%) of the structure, the entire building shall meet the requirements for a newly constructed building.

907.1.5 False Alarms.

c. **EMERGENCY** is an occasion that reasonably calls for a response by the fire department. A response due to failure of an alarm system or to personnel error is not an emergency.

d. **FALSE ALARM** is an alarm signal necessitating response by the fire department when an emergency does not exist.

907.1.6 is amended to read

907.1.6 Notice of False Alarm. The chief shall determine whether an emergency exists at the time the fire department responds to an alarm signal from a fire alarm system. If the chief determines that an emergency does not exist, the chief shall issue a written notice of false alarm to the owner or person in charge or control of the facility where the alarm signal originated.

907.1.7 is amended to read

907.1.7 Hearing on Notice. Any person receiving a notice of false alarm who contends that the chief erroneously determined that an emergency did not exist may file a written request with the chief for a hearing on the determination within ten (10) days after receipt of the notice of false alarm. The chief shall give the requesting party a hearing on the determination within thirty (30) days of receipt of the request. The request shall set forth: (1) why an emergency existed, or (2) why the false alarm resulted from an act of God, flooding, or other violent natural condition without fault and beyond the control of the requesting party. Within ten (10) days following the hearing, the chief shall give written notice of his or her decision to the requesting party.

907.1.8 is amended to read

907.1.8 Unreliable Fire Alarm Systems. The chief may determine a fire alarm system to be unreliable upon receipt of more than four (4) false alarms within a twelve (12) month period. Upon finding that an alarm system is unreliable, the chief may order the following:

d. Upon the fifth (5th) and sixth (6th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$150.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence.

e. 2. Upon the seventh (7th) and eighth (8th) false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$300.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance for each occurrence.

f. 3. Upon the ninth (9th) and following false alarms from the alarm system within a twelve (12) month period, the system owner shall pay a mitigation fee to the fire department of \$500.00, plus the cost of fire engine response, as specified in the fire department's approved fee ordinance, for each occurrence. The chief may, in addition, require the system owner to provide standby personnel as defined by Section 2501.18 or take such other measures, as the chief deems appropriate. Persons or activities required by the chief shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the chief that the alarm system has been restored to a reliable condition. The chief may require such tests, as he deems necessary to demonstrate the adequacy of the system.

Chapter 14 Fire Safety During Construction And Demolition

Section 1414.3 is amended to read

1414.3 Large building sprinkler protections

Building in excess of three stories in height or having a first story in excess on 100,000 square feet in area shall provide an approved operating fire sprinkler system on each floor during construction prior to continuing construction on upper stories.

Chapter 33 Explosives and Fireworks

Section 3301.2 is added to read Limits Established by Law.

The limits referred to in Section 3308.1 in which the storage of explosives and blasting caps or agents, is prohibited, are established as being all areas except "M" zones, Industrial Districts, as defined in the Sebastopol Zoning Ordinance,

Section 3301.3 is added to read Prohibition.

During the period beginning at noon on June 28th and ending at midnight July 4th, fireworks classified as "Safe and Sane" by the California State Fire Marshal's Office, may be possessed and discharged within the City Limits of Sebastopol in compliance with all applicable State and Local regulations, including Council Resolution #3082.

Chapter 34 Flammable and Combustible Liquids

3406.2.4.4 is amended as follows: The limits referred to in section 3406.2.4.4, in which the storage of flammable or combustible liquids in outside above ground storage tanks is prohibited in all zones except "M" Zones, Industrial Districts, as identified in the Sebastopol Zoning Ordinance.

Chapter 38 Liquefied Petroleum Gases

Section 3804.2 is amended as follows: Maximum capacity within established limits. Within the city limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 500 gallons and are prohibited in all zones except "M" Zones, Industrial Districts, as identified in the Sebastopol Zoning Ordinance.

15.04.130 California Existing Building Code

The California Existing Building Code 2013 edition as published by the International Code Conference

15.04.140 California Green Building Standards Code

The California Green Building Standards and the Appendices thereof as published by the International Code Council

- (1) Section 202 is amended to read: Newly Constructed (or New Construction) A newly constructed building (or new construction) includes additions of over 500 square feet for residential construction or 1800 square feet for non residential construction, alterations or repairs of 50 percent or greater to any existing building.

Amend Appendix A4 Residential Voluntary Measures to read as follows:

Division A4.6

A406.601.1 The Tier 1 measures contained in this appendix, Division A4.1, A4.3, A4.4, A4.5 and A4.6 are adopted as mandatory provisions

Amend Appendix Chapter A5 Nonresidential Voluntary Measures to read as follows:

Division A5 A506.601.1 The Tier 1 measures contained in this appendix, Division A5.1, A5.3, A5.4, A5.5 and A5.6 are adopted as mandatory provisions.

15.04.150 California Referenced Standards Code

The California Building Referenced Standards, as published by the International Code Council, (4) The Current Standard for the installation of Sprinkler Systems, NFPA 13, published by the National Fire Protection Association, as modified or amended in the International Building Code Standards referenced herein.

15.04.160 Adoption of the International Existing Building Code

The International Existing Building Code 2012 Edition as published by the International Code Council

15.04.170 Adoption of the National Fire Code

The current edition as published by the National Fire Protection Agency

15.04.180 Building Inspection Department.

There is hereby established a Building and Safety Division of the City of Sebastopol, pursuant to the provisions of the respective Codes adopted by this Ordinance.

15.04.190 Non-Liability of City of Sebastopol.

This Ordinance shall not be construed as imposing upon the City of Sebastopol (or any official or employee thereof) any liability or responsibility for damages to any property or injuries to any person resulting from defects in building construction, defective plumbing, or drainage systems (or installations thereof), electrical or gas installations, or by installations of containers for the use of flammable products, nor shall the City of Sebastopol (or any official or employee thereof) be held as assuming any such liability or responsibility for property damage from any cause whatsoever which may have been caused by a gas leakage, fire or explosion of any gas appliance or house gas piping, electrical application or

electrical wiring or from the storage or use of flammable and/or hazardous materials.

15.04.200 Violations and Penalties.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of an infraction and any person violating the same section or a portion of an Ordinance on a second or subsequent occasion shall thereafter be deemed guilty of a misdemeanor and upon conviction of either an infraction or a misdemeanor shall be punishable as provided by law.

15.04.210 Repeal of Conflicting Ordinances.

All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

15.04.220 Fees

The City Council of the City of Sebastopol may establish permit fees as set forth by resolution.

15.04.230 Findings of Fact

Pursuant to Health and Safety Code Section 17958.7, the Findings of Fact, as submitted in Exhibit B of this Ordinance, are made in connection with the adoption of revisions or additions to the 2010 edition of the California Code of Regulations T-24 Part 1,2, 2.5,3,4,5,6,7,8,9,10,11,&12.

EXHIBIT "B"

**City of Sebastopol
7120 Bodega Avenue
Sebastopol, CA 95472**

"FINDINGS OF FACT"

The City Council of the City of Sebastopol has adopted Ordinance XXXX , on January 1, 2014. This ordinance has several specific amendments that are more restrictive in nature than those sections adopted by the California State Building Code and the State Housing and Community Development Code, Title 24 and Title 25 of the California Administrative Code.

Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments of this type shall be based on climatic, geographical, or topographical conditions. The Findings of Fact contained herein shall address each of these conditions and present local conditions, which caused the amendments to be adopted.

Climatic

The normal rainfall in the City of Sebastopol is approximately 33 inches on the average yearly calendar. This rainfall is received during the 5 to 6 months between October and March. Included during these rainy periods are times of heavy rains causing periodic flooding of roadways within the City which in turn delay responses within the affected areas.

A major portion of the eastern edge of the City and smaller portion on the western edge of the City lies within the 100-year flood plain and major flooding has been experienced in these areas.

Along with periods of heavy rains, the City is subjected to heavy windstorms, causing roadway and access blockage, damage to buildings and interruption of public utilities.

The periods of dry weather along with the warm weather of summer cause areas of open land to dry up and become serious wild land burn areas. Access to these areas is limited which increase response times and tie up fire department resources.

As a result of summer ambient temperatures, average load demand and peak load demand of energy used in Sebastopol are important factors concerning public safety and adverse economic impacts of power outages or power reductions (i.e., "brownouts"). Reduction of total and peak energy use as a result of incremental energy conservation measures required by this ordinance will have local and regional benefits in the cost-effective reduction of energy costs for the building owner, additional available system energy capacity, and a reduction in greenhouse gas emissions.

The City's water system is dependent on ground water supplies and wells. The area is subjected to periods of reduced annual rainfall, which have caused diminished water supplies. The City maintains sufficient water reserves in three reservoirs as required by normal fire flow demands. However, serious fires do present a problem and require the adoption of certain amendments to the existing Codes to insure the safety of buildings and people.

Geographical

The City of Sebastopol is located in an area that extends from the altitude of approximately 70 feet to a high of approximately 200 feet above sea level. This altitude difference has made it necessary to have two separate water systems to serve the different heights in the City. Pressure Zone #1 serves the lowest areas with one reservoir on line to supply the necessary daily water requirements along with the required standby fire flow. Pressure Zone #2 serves the higher elevations and has two reservoirs to maintain the daily use and fire flows. A breakdown in either system can create water delivery problems if not returned to normal operation as soon as possible.

The hilly terrain within the City also creates delayed responses and difficult access problems to some areas of the City.

The soils of the major part of the City are made up of poorly consolidated, sandy soils. The sandy, silty soil is poorly indurated. The topsoil is made up of organic-rich silt sand, which is easily eroded. Because of these soil types and the hilly nature of the City, landslides and earth movement are possible during rainy season. These landslides and erosion can block and close roadways and access drives, causing response delays.

The City of Sebastopol is situated 12.5 miles northeast of San Andreas Fault and 8 miles southwest of the Healdsburg/Rogers Creek fault. These are both active faults, which have in the past caused damage to buildings within the City. These faults are capable of causing earthquakes in the magnitude range of 8+ on the Richter scale.

Any of these above mentioned fault zones has the potential of causing severe ground movement, ground shaking, ground failure, land siding, lateral spreading and ground liquefaction. Damage to buildings and infrastructure in the City could be quite severe.

Topographical

The City is bisected by two heavily traveled State highways, which cause delays in responses to fire emergencies. In addition, because of the hilly terrain within the City, many streets are not through streets, which would limit alternate routes to areas of the City. This lack of alternate routes can cause response delays.

Due to the hilly terrain, many of the buildings within the City are located on hillsides with split-level type buildings being common. Again the access to development of this type of building is sometimes delayed and difficult due to narrow access ways and dead end streets.

Summary

While it is clearly understood that the adoption of the amendments to the Codes and the adoption of direct separate Ordinances may not prevent the incidence of fire, it is noted the implementation of these various amendments will reduce the severity and potential loss of life and loss of property.

The City of Sebastopol submits these Findings of Fact and requests the acceptance of them as defined under Section 17958.5 of the State of California Health and Safety Code.

Chapter 15.08

EXCAVATION, GRADING AND EARTHWORK CONSTRUCTION

Sections:

15.08.010 Adoption of Codes by Reference

15.08.020 Certified Copies on File

15.08.030 Amendments

15.08.040 Violations and Penalties

15.08.050 Relationship to Other City Rules, Regulations and Policies

15.08.060 Repeal of Conflicting Ordinances

15.08.070 Fees

15.08.080 Findings of Fact

15.08.010 Adoption of Codes By Reference.

For the purpose of safeguarding life, limb, property and the public welfare by regulating excavation, grading and earthwork construction, Appendix Chapter J of the California Building Code, 2014 Edition, together with any amendments thereof, as hereinafter set forth in the Ordinance, is adopted and made part of this Ordinance.

15.08.020 Certified Copies on File

One (1) certified copy of the Code section so adopted, along with any Amendment thereto, shall be kept on file for the use and examination by the public and located at the Sonoma County Regional Library, Sebastopol Branch, in the City of Sebastopol.

15.08.030 Amendments

Appendix Chapter J of the California Building Code, 2013 Edition, is hereby adopted with the following amendments:

- a) Organization and Enforcement — Insofar as they apply to the permitting of work regulated by this Ordinance, the Organization and Enforcement of this Ordinance shall be as set forth in Section 104 Chapter 1 of the California Building Code, 2013 Edition, with the exception that the City Engineer shall be the designated code enforcement officer and shall have all the powers and duties ascribed to the building official therein.
- b) All references in Appendix Chapter J to the Building Official are hereby amended to refer to the City Engineer.
- c) Notwithstanding a) and b) above, demolition permits shall remain under the authority of the Building Official.
- d) Appendix Chapter J, Section J 103, is hereby amended to include the Grading Permit Application Requirements adopted by a separate resolution of the City Council. In the case of any discrepancies between the provisions of this Ordinance including the Code sections adopted by reference herein, and the Grading Permit Application Requirements, the latter shall supersede.
- e) Appendix Chapter J, Section J 102, is hereby amended to read as follows:

Engineered Grading - Grading in excess of 500 cubic yards (382 cubic meters), and /or grading performed as part of a subdivision, and/or grading performed within two feet (2') of a property line shall be performed in accordance with the approved grading plan prepared by a civil engineer.

Regular Grading - Grading involving less than 500 cubic yards and not meeting either of the other two conditions listed above. Unless the permittee chooses to have the grading performed as engineered grading, or the City Engineer determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

(f) In addition to the provisions of Section 106, A grading plan shall be prepared by a registered civil engineer, and shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform with the requirements of this code.

(g) Section J 110, Erosion Control, is hereby amended to include the following:

Erosion control and sediment control plans are required for the following:

1. Grading operations performed between October 1st and April 15th.
2. Grading along Calder Creek or Zimpher Creek or their tributaries, or on lands that discharge drainage directly to the Laguna de Santa Rosa
3. Grading on hillsides with a slope of 10% or greater.

Erosion control plans shall reference and be in conformance with the "Erosion and Sediment Control Field Manual" published by the San Francisco Regional Water Quality Control Board, and the State Water Quality Control Board Construction General Permit (WQO 99-08-DWQ or latest adopted order)

(h) With respect to the activities regulated by this Ordinance (i.e., Excavation, Grading and Earthwork Construction, CBC Section 112 (incorporated herein by reference) is hereby amended to include the following language.

The Sebastopol Design Review Board is hereby designated by the City Council as the board of appeals for activities regulated by this Ordinance.

(i) With respect to the activities regulated by the Ordinance, CBC Section 108.4 is hereby amended to read as follows:

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and shall not exceed five times the permit fee required by this code. The minimum investigation fee shall be as set forth in the fee schedule adopted by separate resolution of the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

40. 15.08.40 Violations and Penalties.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of an infraction and any person violating the same section or a portion of an Ordinance on a second or subsequent occasion shall thereafter be deemed guilty of a misdemeanor and upon conviction of either an infraction or a misdemeanor shall be punishable as provided by law.

15.08.050 Relationship to Other City Rules, Regulations and Policies

It is the intent of this Ordinance that compliance herewith shall be in accord with other City rules and regulations insofar as they may relate to or be impacted by excavation, grading and drainage improvement activities governed by this Ordinance, including but not limited to the Subdivision Ordinance, Tree Protection Ordinance and Flood Damage Prevention Ordinance, and others not listed here. In cases where there is a conflict, the more restrictive requirements shall apply.

15.08.060 Repeal Of Conflicting Ordinances

Except as provided in Section 15.08.050, all other Ordinances or parts of Ordinances relating to the authority, processing and issuance of permits covered under this Ordinance are hereby repealed.

15.08.070 Fees

Fees shall be assessed as set forth in the fee schedule adopted by separate resolution of the City Council.

15.08.080 Findings of Fact

Pursuant to Health and Safety Code Section 17958.7, the Findings of Fact, as submitted in Exhibit A of this Ordinance, are made in connection with the adoption of revisions or additions to the 2007 California Building Code Appendix Chapter J.

Exhibit A**FINDINGS OF FACT**

This Ordinance has several specific amendments that are more restrictive in nature than those sections adopted by the California Building Code. Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments of this type shall be based on climatic, geographical or topographical conditions. The Findings of Fact contained herein shall address each of these conditions and present local situations which caused the amendments to be adopted.

Climatic

The normal rainfall in the City of Sebastopol is approximately 35 inches per year. This rainfall is received during the 5- to 6-month period from October to March.

Geographical

The City of Sebastopol is located in hilly terrain, with elevations within the City ranging from approximately 70 feet to approximately 200 feet above mean sea level. The lower elevations of the City are located within the flood plain of the Laguna de Santa Rosa, while the higher elevations are characterized by hilly terrain.

Poorly consolidated, silty or sandy soils are predominant in Sebastopol. The topsoil is made up of organic-rich, silty sand which is easily eroded. Because of these soil types, and the hilly nature of the City, landslides, earth movement and erosion are possible during the rainy season. These landslides and erosion can cause discharge of soils to creeks and the Laguna, and can block roadways and access drives causing unsafe conditions for motorists and delayed response times for emergency services.

The City of Sebastopol is situated 12.5 miles northeast of the San Andreas Fault and 8 miles southwest of the Healdsburg-Rogers Creek Fault. These are both active faults, which have in the past caused damage to buildings within the City. These faults are capable of causing earthquakes in the magnitude range of 8+ on the Richter scale.

Summary

For the reasons outlined above, certain amendments to the Code have been incorporated into this Ordinance in an effort to more closely regulate excavation, grading and earthwork construction activities which have the potential to create erosion or unstable soils conditions. While it is understood that the adoption of these amendments may not prevent such problems, it is noted that the implementation of these various amendments will reduce the severity and potential loss of life and property.

Chapter 15.10

REPAIR and RECONSTRUCTION OF DAMAGED STRUCTURES

Sections:

15.10.010 Adoption of Codes by Reference

15.10.020 Certified Copies On File

.30 Amendments

.40 Repeal of Conflicting Ordinances

15.10.010 Findings Of Fact

This chapter establishes regulations as amendments to the building code for the expeditious repair of damaged structures. In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern.

15.10.010 Adoption of Codes by Reference

For the purpose of establishing proper regulations for building construction, installation of plumbing systems, gas appliances and electrical systems; for the storage and handling of flammable liquids and for establishing the minimum standards for the health, safety and welfare of the general public, the International Codes, together with any amendments thereof, as hereinafter set forth in the Ordinance, are adopted and made part of this Ordinance.

15.10.020 Certified Copies on File

In accordance with California Health and Safety Code Section 17958.7, express findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of the ordinance codified in this Article. While this Article is in force, a true copy of this Chapter shall be kept for public inspection At the Sonoma County Regional Library, Sebastopol Branch, in the City of Sebastopol.

.30Amendments

Exhibit A is added as a new Subsection 3403.5 to Sections 3403 Additions, Alterations or Repair in the 2014 California Building Code

.40 Repeal of Conflicting Ordinances

Except as provided in Section 15.08.050, all other Ordinances or parts of Ordinances relating to the authority, processing and issuance of permits covered under this Ordinance are hereby repealed.

15.10.50 Findings of Fact

Pursuant to Health and Safety Code Section 17958.7, the Findings of Fact, as submitted in Exhibit B of this Ordinance, are made in connection with the adoption of

revisions or additions to the 2013 California Building Code.

Exhibit A

AMENDMENTS

For the purposes of this Chapter, the following section is added as a new subsection to Section 3401 of the 2013 California Building Code:

3401.4 Alternative compliance. Work performed in accordance with the *International Existing Building Code* shall be deemed to comply with the provisions of this chapter.

EXHIBIT B

FINDINGS OF FACT

The City Council of the City of Sebastopol has adopted Ordinance #, on January 1, 2008. This ordinance has several specific amendments that are more restrictive in nature than those sections adopted by the California State Building Code and the State Housing and Community Development Code, Title 24 and Title 25 of the California Administrative Code.

Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments of this type shall be based on climatic, geographical, or topographical conditions. The Findings of Fact contained herein shall address each of these conditions and present local conditions, which caused the amendments to be adopted.

Climatic

The normal rainfall in the City of Sebastopol is approximately 33 inches on the average yearly calendar. This rainfall is received during the 5 to 6 months between October and March. Included during these rainy periods are times of heavy rains causing periodic flooding of roadways within the City which in turn delay responses within the affected areas.

A major portion of the eastern edge of the City and smaller portion on the western edge of the City lies within the 100-year flood plain and major flooding has been experienced in these areas.

Along with periods of heavy rains, the City is subjected to heavy windstorms, causing roadway and access blockage, damage to buildings and interruption of public utilities. The periods of dry weather along with the warm weather of summer cause areas of open land to dry up and become serious wild land burn areas. Access to these areas is limited which increase response times and tie up fire department resources.

The City's water system is dependent on ground water supplies and wells. The area is

subjected to periods of reduced annual rainfall, which have caused diminished water supplies. The City maintains sufficient water reserves in three reservoirs as required by normal fire flow demands. However, serious fires do present a problem and require the adoption of certain amendments to the existing Codes to insure the safety of buildings and people.

Geographical

The City of Sebastopol is located in an area that extends from the altitude of approximately 70 feet to a high of approximately 200 feet above sea level. This altitude difference has made it necessary to have two separate water systems to serve the different heights in the City. Pressure Zone #1 serves the lowest areas with one reservoir on line to supply the necessary daily water requirements along with the required standby fire flow. Pressure Zone #2 serves the higher elevations and has two reservoirs to maintain the daily use and fire flows. A breakdown in either system can create water delivery problems if not returned to normal operation as soon as possible.

The hilly terrain within the City also creates delayed responses and difficult access problems to some areas of the City.

The soils of the major part of the City are made up of poorly consolidated, sandy soils. The sandy, silty soil is poorly indurated. The topsoil is made up of organic-rich silt sand, which is easily eroded. Because of these soil types and the hilly nature of the City, landslides and earth movement are possible during rainy season. These landslides and erosion can block and close roadways and access drives, causing response delays.

The City of Sebastopol is situated 12.5 miles northeast of San Andreas Fault and 8 miles southwest of the Healdsburg/Rogers Creek fault. These are both active faults, which have in the past caused damage to buildings within the City. These faults are capable of causing earthquakes in the magnitude range of 8+ on the Richter scale.

Any of these above mentioned fault zones has the potential of causing severe ground movement, ground shaking, ground failure, land siding, lateral spreading and ground liquefaction. Damage to buildings and infrastructure in the City could be quite severe.

Topographical

The City is bisected by two heavily traveled State highways, which cause delays in responses to fire emergencies. In addition, because of the hilly terrain within the City, many streets are not through streets, which would limit alternate routes to areas of the City. This lack of alternate routes can cause response delays.

Due to the hilly terrain, many of the buildings within the City are located on hillsides with split-level type buildings being common. Again the access to development of this type of building is sometimes delayed and difficult due to narrow access ways and dead end streets.

Summary

While it is clearly understood that the adoption of the amendments to the Codes and the adoption of direct separate Ordinances may not prevent the incidence of fire, it is noted the implementation of these various amendments will reduce the severity and potential loss of life and loss of property.

The City of Sebastopol submits these Findings of Fact and requests the acceptance of them as defined under Section 17958.5 of the State of California Health and Safety Code.

Chapter 15.74 SAFETY ASSESSMENT PLACARDS

Sections:

15.74.010 Intent.

15.74.020 Application of provisions.

15.74.030 Definitions.

15.74.040 Placards.

15.74.010 Intent.

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy and conforms to the statewide program administered by the California Office of Emergency Services (hereafter CalOES) for ease in the rapid assessment of damaged structures. This chapter further authorizes the building official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

15.74.020 Application of provisions.

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Sebastopol.

15.74.030 Definitions.

(a) "Safety assessment" is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

(b) "Safety assessment program (SAP)" is a statewide voluntary program managed by the CalOES and the Federal Emergency Management Authority, which establishes the protocol for a uniform placarding program that can be used anywhere in the United States using the ATC-20 system.

15.74.040 Placards.

(a) The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures.

(1) "INSPECTED – Lawful Occupancy Permitted" is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to

mean there is no damage to the building or structure. This placard is printed on a green background.

(2) "RESTRICTED USE" is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restriction on continued occupancy. This placard is printed on a yellow background.

(3) "UNSAFE – Do Not Enter or Occupy" is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the building official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered. This placard is printed on a red background.

(b) The number of the ordinance codified in this chapter, the name and address of the jurisdiction and phone number shall be permanently affixed to each placard.

(c) Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the building official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.