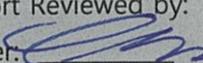


Agenda Report Reviewed by:
City Manager: 

**CITY OF SEBASTOPOL
CITY COUNCIL
STAFF REPORT**

Meeting Date: October 18, 2016
To: Honorable Mayor and City Councilmembers
From: Bill Braga, Fire Chief
Glenn Schainblatt, Building Official
Subject: First reading and introduction of local amendments to the 2016 California State Building Codes Municipal Code Sections 15.04 and 15.08 and Rescind Municipal Code Section 15.10 Repair and Reconstruction of Damaged Structures
Recommendation: Approve for First Reading and Introduction Ordinance for Local Amendments to the 2016 California State Building Codes, Municipal Code Sections 15.04 and 15.08 and Rescind Municipal Code Section 15.10
Funding: None Required
Currently Budgeted: N/A

Introduction:

This item is to request that the City Council approve for first reading and introduction local amendments to the 2016 California State Building Codes Municipal Code Sections 15.04 and 15.08 and Rescind Municipal Code Section 15.10 Repair and Reconstruction of Damaged Structures.

Background:

The Building and Safety Department and the Fire Department are proposing the following:

1. Ordinance adopting the latest State Codes, SMC Section 15.04 with local amendments
2. Ordinance adopting changes to SMC Section 15.08 Excavation, Grading and Earthworks.
3. Ordinance deleting SMC Section 15.10 Repair and Reconstruction ordinance.

The State of California has adopted the International Codes with State amendments on July 1, 2016. Local agencies have until Jan. 1, 2017 to adopt the new State Codes with local amendments.

Local jurisdictions can amend the State Codes to reflect local conditions. Since the 2008 Code adoption Sonoma County jurisdictions have collaborated in adopting local amendments. The goal is to limit local amendments to the State Codes as much as practical and use common language in the adoptions. This common language is designed to give developers, contractors and citizens consistent requirements and code language, which has streamlined the permitting process and require less education for the building community. These amendments have been reviewed by the

stakeholder groups during the entire process and by receiving valuable feedback, corresponding changes to the code language was made.

The Sonoma County Fire Prevention Officer's Association and the Sonoma County Fire Chief's Association have endorsed the 2016 Fire Code amendments. The Redwood Empire Chapter of Code Officials has endorsed the proposed 2016 Building and Fire Code Amendments. Municipal Code Section 15.08 Excavation, Grading and Earthwork Construction are amended to reflect the State regulations regarding Stormwater management and reference 2016 State Building Codes.

The Municipal Code section 15.10 Repair and Reconstruction of Damaged Structures was intended to be a component of our Local Hazard Mitigation Plan. Previously, Title 24 did not provide for damaged structures to be repaired or reconstructed to a structurally safe level, accounting for upgrades in wind and seismic standards.

The State of California has adopted the 2015 International Existing Building Code with California State amendments on July 1, 2016; T-24 Part 10 California Existing Building Code. The State code now has all the provisions that were referenced in the Municipal Code section 15.10.

Recommendation:

That the City Council approve for first reading and introduction local amendments to the 2016 California State Building Codes Municipal Code Sections 15.04 and 15.08 and Rescind Municipal Code Section 15.10 Repair and Reconstruction of Damaged Structures.

Attachments:

Ordinance

Chapter 15.04

Chapter 15.08

Guide for filing local amendments CBSC

It's Your Building Department

ORDINANCE NO.XXXX

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. 1066 and adopting by reference the 2016 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 2016 Edition as published by the International Code Council; The 2015 Edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials; The 2014 Edition of the National Electrical Code as published by the National Fire Protection Association; the 2015 Edition of the Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the 2015 edition of the International Property Maintenance Code as published by the International Code Council and the 2015 edition International Swimming Pool and Spa Code as published by the International Code Council. The 2015 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 2015 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 2016 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, and 15.10

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.** 2016 Edition, as published by the International Code Council.

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 2015 Edition Volumes 1, and 2 thereof as published by the International Code Council with the following amendments:

California Building Code, Division II, Scope and Administration is amended to amend and add the following:

Section 105.2 Building 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, (11.15m²). The height of the one story detached accessory building shall not exceed 12 feet at any point or as specified by local zoning ordinance.

Section 105.2 Building 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.

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.

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.

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.

CHAPTER 2 DEFINITIONS

California Building Code, Chapter 2, General Definitions is amended to amend and add the following:

MEMBRANE STRUCTURE. An air-inflated, air-supported, cable or frame-covered structure as defined by this code and not otherwise defined as a tent or umbrella structure.

SUBSTANTIAL ADDITION. An existing building or structure not classified as Group R-3 occupancy, which undergoes any addition of floor area that is greater than twenty-five percent (25%) of the existing gross floor area.

SUBSTANTIAL ADDITION, Group R-3. An existing Group R-3 building or structure, which undergoes any addition of floor area that exceeds fifty percent (50%) of the existing gross floor area.

SUBSTANTIAL REMODEL. An existing building or structure, which undergoes any alteration of floor area that is greater than fifty percent (50%) of the existing gross floor area or meets the definition of a substantial improvement as defined by this code.

TENT. A structure, enclosure, umbrella structure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

UMBRELLA STRUCTURE. A structure, enclosure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole. (See "Membrane Structure" and "Tent")

Chapter 5 General Building heights and Areas

California Building Section 501.2 is amended to amend to read as follows:

501.2 Address identification. New and existing buildings shall be provided with approved illuminated address identification. The address identification shall be legible and placed in apposition that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall not be spelled out. Character size and stroke shall be in accordance with Section 505.1.1 through 505.1.2. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency

response in accordance with this code and Section 505.1.3. Where access is by means of a private road and the building cannot be viewed from the public way or when determined by the fire code official, a monument, pole, or other approved illuminated sign or means shall be used to identify the structure. Address identification shall be maintained.

501.2.1 Numbers for one- and two- family dwellings. Each address identification character shall be not less than four (4) inches high with a minimum stroke width of one-half (0.5) inch.

501.2.2 Numbers for other than one and two-family dwellings. Each address identification character shall be not less than twelve (12) inches high with a minimum stroke width of one (1) inch. Suite and unit directional numbers shall be not less than six (6) inches high with a minimum stroke width of three-quarter (0.75) inch. Numbers shall be not less than four (4) inches high with a minimum stroke width of one-half (0.5) inch.

501.3 Complex directory. Where two or more buildings cannot be viewed from the public way or when determined by the fire code official, an approved illuminated complex directory, monument, pole, or other approved sign or means shall be used to identify the structures at the main entrances to the property.

Chapter 9 Fire Protection Systems

California Building Code, Section 902 is amended to add the following

**SUBSTANTIAL ADDITION
SUBSTANTIAL ADDITION, Group R-3
SUBSTANTIAL IMPROVEMENT
SUBSTANTIAL REMODEL**

Section 903 is amended to read as follows:

California Building Code Section 903.2 is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.19. Approved automatic sprinkler systems in existing buildings and structures shall be provided in locations described in Section 903.6.

Exceptions:

1. Agricultural buildings as approved by the fire code official.
2. Detached pool houses accessory to Group R-3 not classified as a dwelling unit and not exceeding 1,000 square feet (928m²) in gross floor area within 50 feet of the pool and limited to a single bathroom.
3. Detached non-combustible motor vehicle fuel dispensing canopies.
4. Detached Group U Occupancies not greater than 1,000 square feet (928m²).

California Fire Code Section 903.2.1 is amended to read as follows:

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings containing a Group A occupancy.

California Building Code Section 903.2.1.1 through 903.2.1.5 are deleted.

California Building Code Section 903.2.1.6 is amended to read as follows:

903.2.1.6 Assembly occupancies on roofs. Where an occupied roof has assembly occupancy with an occupant load exceeding 100 for Group A-2 and 300 for other Group A Occupancies, an automatic sprinkler system shall be provided throughout the building in accordance with Section 903.3.1.1 or 903.3.1.2.

California Building Code Section 903.2.1.7 is deleted.

California Building Code Section 903.2.2 is amended to read as follows:

903.2.2 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout buildings containing an ambulatory care facility.

California Building Code Section 903.2.3 is amended to read as follows:

903.2.3 Group E. An automatic sprinkler system shall be installed throughout buildings containing a Group E occupancy. For public school state-funded construction projects see Section 903.2.19

California Building Code Section 903.2.4 is amended to read as follows:

903.2.4 Group F. An automatic sprinkler system shall be provided throughout buildings containing a Group F occupancy.

California Building Code Section 903.2.4.1 is deleted.

California Building Code Section 903.2.5.3 is amended to read as follows:

903.2.5.3 Pyroxylin plastics. An automatic sprinkler system shall be provided throughout buildings where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg).

California Building Code Section 903.2.7 is amended to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy.

California Building Code Section 903.2.8.1 is added to include the exception as follows:

903.2.8.1 Group R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be provided throughout all one- and two-family dwellings regardless of square footage in accordance with the *California Residential Code*. Fire Sprinklers shall be installed in mobile homes, manufactured homes and multi-family manufactured homes with two or more dwellings units in accordance with *Title 25 of the California Code of Regulations*.

California Building Code Section 903.2.9 is amended to read as follow

903.2.9 Group S. An automatic sprinkler system shall be provided throughout all buildings containing a Group S occupancy.

California Building Code Section 903.2.9.1 through 903.2.9.2 is deleted.

California Building Code Section 903.2.10 is amended to read as follows:

903.2.10 Group B. An automatic sprinkler system shall be provided throughout all buildings containing a Group B occupancy.

California Building Code Section 903.2.10.1 is deleted.

California Building Code Section 903.2.11 is amended to read as follows:

903.2.11 Specific buildings areas and hazards. In all occupancies other than detached Group U occupancies not greater than 1,000 square feet (928m²), an automatic sprinkler system shall be installed for building design or hazard in the locations set forth in Sections 903.2.11.1 through 903.2.11.8.

California Building Code Section 903.2.11.3 exceptions #1 & #2 are deleted.

California Building Code Section 903.2.11.7 is added to read as follows:

903.2.11.7 Undetermined use design. Automatic sprinkler systems installed in buildings or structures of undetermined use shall be designed and installed to have a minimum density of .33 gallons per minute per square foot over a minimum design area of 3,000 square feet (2,784m²).

California Building Code Section 903.2.11.8 is added to read as follows:

903.2.11.8 High-piled storage. An automatic sprinkler system shall be provided throughout as required in Chapter 32 in all buildings where storage is in high-pile or rack storage arrays.

California Building Code, Section 903.4.2 is amended to read as follows:

Section 903.4.2 Alarms. *One exterior approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.*

California Building Code Section 903.6 is added to read as follows:

903.6 Where required in existing buildings and structures. An automatic sprinkler systems shall be provided throughout existing buildings and structures where required in Sections 903.6.1 through 903.6.3.

California Building Code Section 903.6.1 is added to read as follows:

903.6.1 Substantial remodel. An automatic sprinkler system shall be provided throughout all buildings that undergo a substantial remodel or substantial improvement.

Exception: Alterations made solely for the purpose of complying with the *American Disabilities Act*.

California Building Code Section 903.6.2 is added to read as follows:

903.6.2 Substantial addition. An automatic sprinkler system shall be provided throughout all buildings that undergo a substantial addition.

California Building Code Section 903.6.3 is added to read as follows:

903.6.3 Substantial alteration. An automatic sprinkler system shall be provided throughout all buildings that undergo any combination of substantial remodel, addition or both that equals fifty percent (50%) of the existing gross floor area.

California Building Code Section 904.12 is amended to read as follows:

904.12 Commercial cooking systems. *Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I Hood, in accordance with the California Mechanical Code, NFPA 96, and an automatic fire extinguishing system that is listed and labeled for its intended use as follows:*

- 1. Wet chemical extinguishing system, complying with UL 300.*
- 2. Carbon dioxide extinguishing system.*
- 3. Automatic fire sprinkler systems.*

All existing dry chemical and wet chemical extinguishing systems shall comply with UL 300.

Exception: *Public school kitchens, without deep-fat fryers, shall be upgraded to a UL 300 compliant system during state-funded modernization projects that are under the jurisdiction of the Division of the State Architect.*

All systems shall be installed in accordance with the California Mechanical Code, NFPA 96, appropriate adopted standards, their listing and the manufactures' installation instructions.

Exception: Factory-built commercial cooking recirculating systems that are tested, listed, labeled and installed in accordance with UL 710B and the *California Mechanical Code* and NFPA 96.

California Building Code Section 905.3.1 item #2 is amended to read as follows:
905.3.1. 2. Buildings that are three or more stories in height.

California Building Code Section 905.9 exception #2 is deleted.

California Building Code Section 912.2 is amended to read as follows:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the fire department connections shall be within 100 feet of a fire hydrant or approved by the fire code official (*Also see Section 507.5.1.1*).

CHAPTER 31 SPECIAL CONSTRUCTION

California Building Code, Section 3102.2 is amended to add the following:

MEMBRANE STRUCTURE

TENT

UMBRELLA STRUCTURE

California Building Code, Section 3103.1 is amended to read as follows:

Section 3103.1 General. The provisions of Section 3101.1 through 3103.4 shall apply to structures erected for a period of less than 180 days. Tents, umbrella structures and other membrane structures erected for a period of less than 180 days shall comply with the *California Fire Code*. Those erected for longer period of time shall comply with applicable sections of this code.

CHAPTER 33 SAFEGUARDS DURING CONSTRUCTION

California Building Code, Section 3312.3 is added to read as follows:

Section 3312.3 Detailed requirements. Automatic sprinkler systems shall be installed in accordance with the provisions of Section 903.

CHAPTER 35 REFERENCED STANDARDS

California Building Code, Chapter 35, NFPA, 13D-16 is Amended Sections as follows:

Section NFPA 13D-16 - Standard for the installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; as amended*

Revise Section 5.1.1.2 to read as follows:

Section NFPA.13D.5.1.1.2. A supply of at least three sprinklers shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

Add Sections 5.1.1.2.1 as follows:

Section NFPA.13D.5.1.1.2.1. The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property. The stock sprinklers shall include not less than one sprinkler of all types and ratings installed.

Add Sections 5.1.1.2.2 as follows:

Section NFPA.13D.5.1.1.2.2. The sprinklers shall be kept in a mounted and accessible cabinet located where the temperature to which they are subjected will at no time exceed the maximum ceiling temperatures specified in Table 5.1.1.6.1 for each of the sprinklers within the cabinet.

Add Sections 5.1.1.2.4 as follows:

Section NFPA.13D.5.1.1.2.4. One sprinkler wrench as specified by the sprinkler manufacture shall be provided in the cabinet for each type of sprinkler installed to be used for the removal and installation of sprinklers in the system.

Revise Section 7.6 to read as follows:

Section NFPA.13D.7.6 A local waterflow alarm shall be provided on all sprinkler systems.

Add Section 8.1.3.1.2.1 to read as follows:

Section NFPA.13D.8.1.2.1 Garages are permitted to be protected by residential sprinklers.

Revise Section 8.3.4 to read as follows:

Section NFPA.13D.8.3.4 Sprinklers shall not be required in detached garages, open attached porches, detached carports, and similar structures unless otherwise required by the *California Building or Fire Codes*.

Add Section 8.3.5.2 to read as follows:

Section NFPA.13D.8.3.5.2 At least one quick-response intermediate temperature residential sprinkler shall be installed within 5 feet (1.54m) and above above attic access openings.

Revise Section 11.2.1.1 to read as follows:

Section NFPA.13D.11.2.1.1 Where a fire department pumper connection is not provided, the system shall be hydrostatically tested at not less than 200 psi without evidence of leakage.

Appendix Chapter J of the California Building Code, 2016 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, 2016 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.

California Building Code Appendix J 102 is 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.

In addition to the provisions of Section 104, 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.

California Building Code Appendix J 103.1 is amended to read as follows:

Appendix Chapter J, Section J 103.1, 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.

California Building Code Appendix J 110.1 is amended to include the following:

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

- (iii) Grading operations performed between October 1st and April 15th.
- (iv) Grading along Calder Creek or Zimpher Creek or their tributaries, or on lands that discharge drainage directly to the Laguna de Santa Rosa
- (v) 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 113 (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. 2016 Edition as published by the International Conference of Building Officials, with the following amendments:

Division II Administration

California Residential Code Section R105.2 exception 1 is amended to read as follows:

R105.2, 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.

California Residential Code Section R105.2 exception 10 is amended to read as follows:

R105.2, exception 10. Platforms, and decks not more than 30 inches (762mm) above adjacent grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4

California Residential Code Section R108.6 is amended to read as follows:

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 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.

California Residential Code Chapter 1 Section R108.7 is amended to read as follows:

108.7 Reinspection. 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.

California Residential Code Section R108.7 is amended to read as follows:

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

California Residential Code, Section R202 General Definitions is amended to amend and the following:

SUBSTANTIAL ADDITION. An existing Group R-3 building or structure, which undergoes any addition of floor area that exceeds fifty percent (50%) of the existing gross floor area.

SUBSTANTIAL REMODEL. An existing building or structure, which undergoes any alteration of floor area that is greater than fifty percent (50%) of the existing gross floor area or meets the definition of a substantial improvement as defined by the *California Building Code*.

Section R313 Automatic Fire Sprinkler Systems

California Residential Code Section R313.1 is amended to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed throughout all townhouses regardless of square footage in accordance with this code. Fire Sprinklers shall be installed in all multi-family manufactured homes with two or more dwelling units in accordance with Title 25 of the California Code of Regulations.

Exceptions:

1. Detached Group U occupancies 1,000 sq. ft. or less.
2. Detached pool houses up to 1,000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
3. 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.
4. Carports of non-combustible construction.

California Residential Code Section R313.1.2 is added to read as follows:

R313.1.2 Substantial remodel. An automatic sprinkler system shall be provided throughout all townhomes that undergo a substantial remodel or substantial improvement.

Exception: Alterations made solely for the purpose of complying with the American Disabilities Act.

California Residential Code Section R313.1.3 is added to read as follows:

R313.1.3 Substantial addition. An automatic sprinkler system shall be provided throughout all townhomes that undergo a substantial addition.

California Residential Code Section R313.1.4 is added to read as follows:

R313.1.4 Substantial alterations. An automatic sprinkler system shall be provided throughout all townhomes that undergo any combination of substantial remodel, addition or both that equals fifty percent (50%) of the existing gross floor area. 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.

California Residential Code Section R313.2 is amended to read as follows:

R313.2 One –and- two family dwellings automatic fire sprinkler systems. An automatic sprinkler system shall be installed throughout all one- and two-family dwellings regardless of square footage in accordance with this code. Fire Sprinklers shall be installed in mobile homes, manufactured homes and multi-family manufactured homes with two dwelling units in accordance with *Title 25 of the California Code of Regulations*.

Exceptions:

1. Detached Group U occupancies 1,000 sq. ft. or less.
2. Detached pool houses up to 1,000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
3. 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.
4. Carports of non-combustible construction.

California Residential Code Section R313.2.2 is added to read as follows:

R313.2.2 Substantial remodel. An automatic sprinkler system shall be provided throughout all one-and-two-family dwellings that undergo a substantial remodel or substantial improvement.

Exception: Alterations made solely for the purpose of complying with the *American Disabilities Act*.

California Residential Code Section R313.2.3 is added to read as follows:

R313.2.3 Substantial addition. An automatic sprinkler system shall be provided throughout all one-and-two-family dwellings that undergo a substantial addition.

California Residential Code Section R313.2.4 is added to read as follows:

R 313.2.4 Substantial alterations. An automatic sprinkler system shall be provided throughout all one-and-two-family dwellings that undergo any combination of substantial remodel, addition or both that equals fifty percent (50%) of the existing gross floor area. 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.

CHAPTER 44 REFERENCED STANDARDS

California Residential Building Code, Chapter 44, NFPA, 13D-16 is Amended Sections as follows:

Section NFPA 13D-16 - Standard for the installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; as amended*

Revise Section 5.1.1.2 to read as follows:

Section NFPA.13D.5.1.1.2. A supply of at least three sprinklers shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

Add Sections 5.1.1.2.1 as follows:

Section NFPA.13D.5.1.1.2.1. The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property. The stock sprinklers shall include not less than one sprinkler of all types and ratings installed.

Add Sections 5.1.1.2.2 as follows:

Section NFPA.13D.5.1.1.2.2. The sprinklers shall be kept in a mounted and accessible cabinet located where the temperature to which they are subjected will at no time exceed the maximum ceiling temperatures specified in Table 5.1.1.6.1 for each of the sprinklers within the cabinet.

Add Sections 5.1.1.2.4 as follows:

Section NFPA.13D.5.1.1.2.4. One sprinkler wrench as specified by the sprinkler manufacture shall be provided in the cabinet for each type of sprinkler installed to be used for the removal and installation of sprinklers in the system.

Revise Section 7.6 to read as follows:

Section NFPA.13D.7.6 A local waterflow alarm shall be provided on all sprinkler systems.

Add Section 8.1.3.1.2.1 to read as follows:

Section NFPA.13D.8.1.2.1 Garages are permitted to be protected by residential sprinklers.

Revise Section 8.3.4 to read as follows:

Section NFPA.13D.8.3.4 Sprinklers shall not be required in detached garages, open attached porches, detached carports, and similar structures unless otherwise required by the *California Building or Fire Codes*.

Add Section 8.3.5.2 to read as follows:

Section NFPA.13D.8.3.5.2 At least one quick-response intermediate temperature residential sprinkler shall be installed within 5 feet (1.54m) and above above attic access openings.

Revise Section 11.2.1.1 to read as follows:

Section NFPA.13D.11.2.1.1 Where a fire department pumper connection is not provided, the system shall be hydrostatically tested at not less than 200 psi without evidence of leakage.

SECTION 6. Adoption of the **California Code of Regulations Title 24, Part 3: The California Electrical Code**, 2016 Edition, as published by National Fire Protection Association.

SECTION 7. Adoption of the **California Code of Regulations Title 24, Part 4: The California Mechanical Code**, 2016 Edition, and appendices thereof as published by the International Association of Plumbing & Mechanical Officials.

SECTION 8. Adoption of **California Code of Regulations Title 24, Part 5: The California Plumbing Code**, 2016 Edition and appendices thereof as published by the International Association of Plumbing & Mechanical Officials.

SECTION 9 . Adoption of **California Code Of Regulations Title 24, Part 6: California Energy Code**. 2016 Edition, as published by the International Code Council.

SECTION 10. Adoption of **California Code Of Regulations Title 24, Part 8: California Historical Building Code**. 2016 Edition, as published by the International Code Council.

SECTION 11. Adoption of the **California Code of Regulations Title 24, Part 9 2016 California Fire Code** as published by the International Code Council including Appendix Chapters 4, B, C, D, E, F, G, H, and N with the following amendments.

Chapter 1 ADMINISTRATION

California Fire Code, Section 101.1 is amended to read as follows:

Section 101.1 Title 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"

California Fire Code, Section 104.2.1 is added to read as follows:

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.

California Fire Code, Section 105.6 is amended to read as follows:

105.6 Required Operational permits. The fire code official is authorized to issue operational permits for operations set forth in Sections 105.6.1 through 105.6.50.

California Fire Code, Section 105.6.50 is added to read as follows:

105.6.50 Local permits. In addition to the permits required by section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions:

1. **Apartment, hotel, or motel.** An operational permit is required to operate an apartment house, hotel or motel.

2. **Care Facilities.** An operational permits are required to operate a care facility as listed:
3. Day care with an occupant load greater than eight (8) persons.
4. Residential or commercial institutional care facility, occupancies complying with Health and Safety Code Section 13235 are exempt.
5. **Emergency Responder Radio System.** An operational permit is required to operate an
6. Emergency Responder Radio System.
7. **High-rise occupancy.** An operational permit is required to operate a high-rise building as defined in Title 24, Part 2, California Code of Regulations.
8. **Live Entertainment.** An operational permit is required to operate a business where alcohol is served, while providing live entertainment to the public.
9. **Medical cannabis.** Operational permits are required to operate a medical cannabis facility or operation listed below:
 - I. Cultivation
 - II. Distribution
 - III. Manufacturing (non-volatile)
 - IV. Testing/lab
10. **Model rockets rental, sale or operation.** An operational permit is required to operate, manufacture, import, export, possess, store, rent or sell model rockets as defined by Health and Safety Code Section 12519.

California Fire Code, Section 109.4 is amended to read as follows:

109.4 Violation penalties. In accordance with the provisions of this code, any persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certification used under provisions of this code, or any person operating or maintaining any occupancy, premises, or vehicle subject to this code, fire and life safety provisions of the California Building Code, or allow any fire hazard to exist on premises under their control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the fire code official or authorized designee shall be guilty of a misdemeanor, and shall severally for each and every violation and noncompliance respectively, be punishable by a fine of not more than \$1,000 or by imprisonment not exceeding six months, or both such fine and imprisonment.

The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

California Fire Code, Section 109.5 is added to read as follows:

109.5 Authority to issue 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.

California Fire Code, Section 113.2.1 is added to read as follows:

113.2.1 Section 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 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.

California Fire Code, Section 111.4 is amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalty provisions of Section 109 of the Sebastopol Fire Code or state law.

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

113.6 Cost recovery. Fire suppression, investigation or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1, as may be amended from time to time. Additionally, any person(s) who negligently, intentionally or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable or combustible fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150, et seq, as may be amended from time to time. Any expense incurred by the Sebastopol Fire Department for securing such emergency shall constitute a debt of such person(s) and shall be collectable by the Sebastopol Fire Department in the same manner as in the case of an obligation under contract, expressed or implied.

Chapter 2 DEFINITIONS

California Fire Code, Section 201.5, Definitions is added to read the following:

Section 201.5 Wherever the word "jurisdiction" is used in the 2016 California Fire Code and 2015 International Fire Code, it shall be understood to mean that the City of Sebastopol is the local fire authority having jurisdiction (AHJ).

California Fire Code, Section 202, General Definitions is amended to amend and add the following:

Section 202 Where the party responsible for the enforcement of the 2016 California Fire Code and 2015 International Fire Code is given the title of "fire marshal." Add the following:

California Fire Code, Section 202, Definitions is amended to amend and add the following:

FIRE MARSHAL is the chief of the bureau of fire prevention.

MEMBRANE STRUCTURE. An air-inflated, air-supported, cable or frame-covered structure as defined by the *California Building Code* and not otherwise defined as a tent or umbrella structure. See Chapter 31 of the *California Building Code*.

SUBSTANTIAL ADDITION. An existing building or structure not classified as Group R-3 occupancy, which undergoes any addition of floor area that is greater than twenty-five percent (25%) of the existing gross floor area.

SUBSTANTIAL ADDITION, Group R-3. An existing Group R-3 buildings or structures, which undergoes any addition of floor area that exceeds fifty percent (50%) of the existing gross floor area.

SUBSTANTIAL REMODEL. An existing building or structure, which undergoes any alteration of floor area that is greater than fifty percent (50%) of the existing gross floor area or meets the definition of a substantial improvement as defined by the *California Building Code*.

TENT. A structure, enclosure, umbrella structure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

UMBRELLA STRUCTURE. A structure, enclosure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole. (See “Membrane Structure” and “Tent”)

UNWARRANTED ALARM. The giving, signaling or transition of an alarm notification to a public fire station or emergency communication center when such alarm is the result of a defective condition of an alarm system, system servicing testing, construction activities, ordinary household activities, false alarm or other cause when no such danger exists.

Amend Chapter 3 General Precautions to read:

California Fire Code, Section 304.1.2.1 is added to read as follows:

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.

California Fire Code, Section 307.1.2 is added to read as follows:

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.

CHAPTER 4 EMERGENCY PLANNING AND PREPARDNESS

California Fire Code, Section 402.1 is amended to add the following:

UNWARRANTED ALARM

California Fire Code, Section 401.3.2.1 is added to read as follows:

401.3.2.1 Unwarranted alarm notification. Notification of emergency responders based on an unwarranted alarm may be punishable by a fine in accordance with the adopted fee schedule. In addition, the responsible party may be liable for the operational and administrative costs, incurred from the emergency response or mitigation procedures resulting from an unwarranted alarm notification.

CHAPTER 5 FIRE SERVICE FEATURES

California Fire Code, Section 503.3 is amended to read as follows:

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE in accordance with the *California Vehicle Code*, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall

be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

California Fire Code, Section 505.1.1 is amended to read as follows:

505.1 Address identification. New and existing buildings shall be provided with approved illuminated address identification. The address identification shall be legible and placed in apposition that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall not be spelled out. Character size and stroke shall be in accordance with Section 505.1.1 through 505.1.2. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response in accordance with this code and Section 505.1.3. Where access is by means of a private road and the building cannot be viewed from the public way or when determined by the fire code official, a monument, pole, or other approved illuminated sign or means shall be used to identify the structure. Address identification shall be maintained.

California Fire Code, Section 505.1.1 is added to read as follows:

505.1.1 Numbers for one- and two- family dwellings. Each address identification character shall be not less than four (4) inches high with a minimum stroke width of one-half (0.5) inch.

California Fire Code, Section 505.1.2 is added to read as follows:

505.1.2 Numbers for other than one and two-family dwellings. Each address identification character shall be not less than twelve (12) inches high with a minimum stroke width of one (1) inch. Suite and unit directional numbers shall be not less than six (6) inches high with a minimum stroke width of three-quarter (0.75) inch. Numbers shall be not less than four (4) inches high with a minimum stroke width of one-half (0.5) inch.

California Fire Code, Section 505.1.3 is added to read as follows:

505.1.3 Complex directory. Where two or more buildings cannot be viewed from the public way or when determined by the fire code official, an approved illuminated complex directory, monument, pole, or other approved sign or means shall be used to identify the structures at the main entrances to the property.

California Fire Code, Section 507.5.1.1 is amended to read as follows:

507.5.1.1 Hydrant for fire department connections. Buildings equipped with a water-based fire protection system installed in accordance with Section 903 through 905 shall have a fire hydrant within 100 feet of the fire department connections, or as approved by the fire code official. *(Also see Section 912.2).*

Chapter 9 Fire Protection Systems

California Fire Code, Section 902.1 is amended to add the following:

SUBSTANTIAL ADDITION
SUBSTANTIAL ADDITION, Group R-3
SUBSTANTIAL IMPROVEMENT
SUBSTANTIAL REMODEL

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

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.19. Approved automatic sprinkler systems in existing buildings and structures shall be provided in locations described in Section 903.6.

Exceptions:

5. Agricultural buildings as approved by the fire code official.
6. Detached pool houses accessory to Group R-3 not classified as a dwelling unit and not exceeding 1,000 square feet (928m²) in gross floor area within 50 feet of the pool and limited to a single bathroom.
7. Detached non-combustible motor vehicle fuel dispensing canopies.
8. Detached Group U Occupancies not greater than 1,000 square feet (928m²).

California Fire Code Section 903.2.1 is amended to read as follows:

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings containing a Group A occupancy.

California Fire Code Section 903.2.1.1 through 903.2.1.5 are deleted.

California Fire Code Section 903.2.1.6 is amended to read as follows:

903.2.1.6 Assembly occupancies on roofs. Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2 and 300 for other Group A Occupancies, an automatic sprinkler system shall be provided throughout the building in accordance with Section 903.3.1.1 or 903.3.1.2.

California Fire Code Section 903.2.1.7 is deleted.

California Fire Code Section 903.2.2 is amended to read as follows:

903.2.2 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout buildings containing an ambulatory care facility.

California Fire Code Section 903.2.3 is amended to read as follows:

903.2.3 Group E. An automatic sprinkler system shall be installed throughout buildings containing a Group E occupancy.

California Fire Code Section 903.2.4 is amended to read as follows:

903.2.4 Group F. An automatic sprinkler system shall be provided throughout buildings containing a Group F occupancy.

California Fire Code Section 903.2.4.1 is deleted.

California Fire Code Section 903.2.5.3 is amended to read as follows:

903.2.5.3 Pyroxylin plastics. An automatic sprinkler system shall be provided throughout buildings where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg).

California Fire Code Section 903.2.7 is amended to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy.

California Fire Code Section 903.2.8.1 is amended to include the exception as follows:

903.2.8.1 Group R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be provided throughout all one- and two-family dwellings regardless of square footage in accordance with the *California Residential Code*. Fire Sprinklers shall be installed in all mobile homes, manufactured homes and multi-family manufactured homes with two or more dwelling units in accordance with *Title 25 of the California Code of Regulations*.

California Fire Code Section 903.2.9 is amended to read as follow

903.2.9 Group S. An automatic sprinkler system shall be provided throughout all buildings containing a Group S occupancy.

California Fire Code Section 903.2.9.1 through 903.2.9.2 is deleted.

California Fire Code Section 903.2.10 is amended to read as follows:

903.2.10 Group B. An automatic sprinkler system shall be provided throughout all buildings containing a Group B occupancy.

California Fire Code Section 903.2.10.1 is deleted.

California Fire Code Section 903.2.11 is amended to read as follows:

903.2.11 Specific buildings areas and hazards. In all occupancies other than detached Group U occupancies not greater than 1,000 square feet (928m²), an automatic sprinkler system shall be installed for building design or hazard in the locations set forth in Sections 903.2.11.1 through 903.2.11.8.

California Fire Code Section 903.2.11.3 exceptions #1 & #2 are deleted.

California Fire Code Section 903.2.11.7 is added to read as follows:

903.2.11.7 Undetermined use design. Automatic sprinkler systems installed in buildings or structures of undetermined use shall be designed and installed to have a minimum density of .33 gallons per minute per square foot over a minimum design area of 3,000 square feet (2,784m²).

California Fire Code Section 903.2.11.8 is added to read as follows:

903.2.11.8 High-piled storage. An automatic sprinkler system shall be provided throughout as required in Chapter 32 in all buildings where storage is in high-pile or rack storage arrays.

California Fire Code Section 903.6 is amended to read as follows:

903.6 Where required in existing buildings and structures. An automatic sprinkler systems shall be provided throughout existing buildings and structures where required in Sections 903.6.1 through 903.6.3.

California Fire Code Section 903.6.1 is added to read as follows:

903.6.1 Substantial remodel. An automatic sprinkler system shall be provided throughout all buildings that undergo a substantial remodel or substantial improvement.

Exception: Alterations made solely for the purpose of complying with the *American Disabilities Act*.

California Fire Code Section 903.6.2 is added to read as follows:

903.6.2 Substantial addition. An automatic sprinkler system shall be provided throughout all buildings that undergo a substantial addition.

California Fire Code Section 903.6.3 is added to read as follows:

903.6.3 Substantial alterations. An automatic sprinkler system shall be provided throughout all buildings that undergo any combination of substantial remodel, addition or both that equals fifty percent (50%) of the existing gross floor area. 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.

California Fire Code Section 903.4.2 is amended to read as follows:

903.4.2 Alarms. *One exterior approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.*

California Fire Code Section 904.12 is amended to read as follows:

904.12 Commercial cooking systems. *Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I Hood, in accordance with the California Mechanical Code, NFPA 96, and an automatic fire extinguishing system that is listed and labeled for its intended use as follows:*

- 4. Wet chemical extinguishing system, complying with UL 300.*
- 5. Carbon dioxide extinguishing system.*
- 6. Automatic fire sprinkler systems.*

All existing dry chemical and wet chemical extinguishing systems shall comply with UL 300.

Exception: Public school kitchens, without deep-fat fryers, shall be upgraded to a UL 300 compliant system during state-funded modernization projects that are under the jurisdiction of the Division of the State Architect.

All systems shall be installed in accordance with the California Mechanical Code, NFPA 96, appropriate adopted standards, their listing and the manufactures' installation instructions.

Exception: Factory-built commercial cooking recirculating systems that are tested, listed, labeled and installed in accordance with UL 710B and the *California Mechanical Code* and NFPA 96.

California Fire Code Section 905.3.1 item #2 is amended to read as follows:

905.3.1. 2. *Buildings that are three or more stories in height.*

California Fire Code Section 905.9 exception #2 is deleted.

California Fire Code Section 912.2 is amended to read as follows:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the fire department connections shall be within 100 feet of a fire hydrant or approved by the fire code official (*Also see Section 507.5.1.1*).

CHAPTER 11 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

California Fire Code Section 1103.1 is amended to read as follows:

1103.1 Required construction. Existing buildings shall comply with not less than the minimum provisions specified in Table 1103.1 and as further enumerated in Sections 1103.2, 1103.6, 1103.7, 1103.8 through 1103.8.5.3, 1103.9, and 1103.10.

The provisions of this chapter shall not be constructed to allow the elimination of fire protection systems or a reduction in the level of fire safety provided in buildings constructed in accordance with previously adopted codes.

Exceptions:

1. Where a change in fire-resistance rating has been approved in accordance with Section 803.6 of the *California Existing Building Code*.

2. Group U occupancies.

California Fire Code Sections 1103.2 Item #1 is deleted.

California Fire Code Sections 1103.3 through 1103.5.4 are deleted.

California Fire Code Sections 1104 and 1105 are deleted.

CHAPTER 31 TENTS AND OTHER MEMBRANE STRUCTURES

California Fire Code, Section 3102.1 is amended to amend and add the following:

MEMBRANE STRUCTURE

TENT

UMBRELLA STRUCTURE

California Fire Code Section 3101.1 is amended to read as follows:

3101.1 Scope. Tents, umbrella structures, temporary stage canopies and membrane structures shall comply with this chapter. The provisions of Section 3103 are applicable only to temporary tents, umbrella structures, and membrane structures. The provisions of Section 3104 are applicable to temporary and permanent tents, umbrella structures, and membrane structures. Other temporary structures shall comply with the *California Building Code*.

These building standards govern the use of tents, umbrella structures, awnings or other fabric enclosures, including membrane (air-supported and air-inflated) structures and places of assemblage, in or under which 10 or more persons may gather for any lawful purpose.

Exceptions:

1. *Tents, umbrella structures, awnings or other fabric enclosures used to cover or enclose private swimming pools and similar facilities on the premises of private one- and two-family dwellings.*
2. *Tents used to conduct committal services on the grounds of a cemetery.*
3. *Tents, umbrella structures, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.*
4. *Tensioned membrane roof materials supported by ridged frames or installed on a mast and cable system provided such structures conform to the requirements of one of the types of construction as described in these regulations.*
5. *Fabric structures which are part of mobile homes, recreational vehicles, or commercial coaches governed by the provisions of Division 13, Part 2, Health and Safety Code (Department of Housing and Community Development).*

CHAPTER 33 FIRE SAFETY DURING CONSTRUCTION

California Fire Code Section 3314.3 is added to read as follows:

3314.3 Where required. In buildings of combustible construction required to have automatic sprinkler system by Section 903, automatic sprinkler system shall be installed prior to construction exceeding 40 feet (12,192 mm) in height above the lowest level of fire department vehicle access. Such automatic sprinkler system shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

California Fire Code Section 3314.4 is added to read as follows:

3314.4 Buildings being demolished. Where a building is being demolished and a automatic sprinkler system is existing within such a building, such automatic sprinkler system shall be maintained in an operable condition so as to be available for use by the fire department. Such

automatic sprinkler system shall be demolished with the building but shall not be demolished more than one floor below the floor being demolished.

California Fire Code, Section 3314.3 is added to read as follows:

Section 18-44.3314.5 Detailed requirements. Automatic sprinkler systems shall be installed in accordance with the provisions of Section 903.

CHAPTER 56 EXPLOSIVES AND FIREWORKS

California Fire Code Section 5601.1.6 is added to read as follows:

5601.1.6 Sale, use or discharge of fireworks prohibited – exception. Except for firework displays authorized pursuant to this section, it is unlawful for any person to possess, store, offer or expose for sale, sell at retail, give away or in any manner dispose of any fireworks, or to use, explode, or otherwise discharge any fireworks.

Any person or group desiring to perform a fireworks display shall first make written application for a permit to the fire code official. Application for a permit shall be made in writing at least twenty (20) days prior to the proposed display. The application shall be considered and acted upon by the fire code official or authorized designee pursuant to *Title 19, Chapter 6, Article 3 - Licenses of the California Code of Regulations*. Any permit for a fireworks display may be suspended or revoked at any time by the Fire code official or authorized designee.

California Fire Code Section 5601.2.5 is added to read as follows:

5601.2.5 The limits referred to in Section 5604.1 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,

California Fire Code Section 5601.2.6 is added to read as follows:

5601.2.6 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 57 Flammable and Combustible Liquids

California Fire Code Section 5706.2.4.4 is added to read as follows:

5706.2.4.4 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 61 Liquefied Petroleum Gases

California Fire Code Section 6104.2 is added to read as follows:

6104.2 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.

CHAPTER 80 REFERENCED STANDARD

NFPA 13D-16 - Standard for the installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; as amended*...

Revise Section 5.1.1.2 to read as follows:

NFPA.13D.5.1.1.2. A supply of at least three sprinklers shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

Add Sections 5.1.1.2.1 as follows:

NFPA.13D.5.1.1.2.1. The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property. The stock sprinklers shall include not less than one sprinkler of all types and ratings installed.

Add Sections 5.1.1.2.2 as follows:

NFPA.13D.5.1.1.2.2. The sprinklers shall be kept in a mounted and accessible cabinet located where the temperature to which they are subjected will at no time exceed the maximum ceiling temperatures specified in Table 5.1.1.6.1 for each of the sprinklers within the cabinet.

Add Sections 5.1.1.2.4 as follows:

NFPA.13D.5.1.1.2.4. One sprinkler wrench as specified by the sprinkler manufacture shall be provided in the cabinet for each type of sprinkler installed to be used for the removal and installation of sprinklers in the system.

Revise Section 7.6 to read as follows:

NFPA.13D.7.6 A local waterflow alarms shall be provided on all sprinkler systems.

Add Section 8.1.3.1.2.1 to read as follows:

NFPA.13D.8.1.2.1 Garages are permitted to be protected by residential sprinklers.

Revise Section 8.3.4 to read as follows:

NFPA.13D.8.3.4 Sprinklers shall not be required in open attached porches, detached garages and detached carports, unless otherwise required by the California Building or Fire Codes.

Add Section 8.3.5.2 to read as follows:

NFPA.13D.8.3.5.2 At least one quick-response intermediate temperature residential sprinkler shall be installed within 5 feet (1.54m) and above above attic access openings.

Revise Section 11.2.1.1 to read as follows:

NFPA.13D.11.2.1.1 Where a fire department pumper connection is not provided, the system shall be hydrostatically tested at not less than 200 psi without evidence of leakage.

SECTION 12. Adoption of the **California Code of Regulations Title 24 Part 10 California Existing Building Code** 2016 Edition as published by the International Code Conference International Existing Building Code.

SECTION 13. Adoption of **California Code of Regulations Title-24 Part 11 California Green Building Standards Code** 2016 edition as published by the International Code Conference with the following amendments Appendix Chapters A4 Tier 1 and Appendix Chapter A5 Tier 1.

Chapter 2 Definitions

California Green Building Standards Code Section 202 is amended to read as follows:

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.

California Green Building Standards Code Appendix A4 Section A4.601.1 is added to read as follows:

A4.601.1 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

California Green Building Standards Code Appendix A4 Section A5.601.1 is added to read as follows:

A5.601.1 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**. 2016 Edition, published by the International Code Council.

SECTION 15. Adoption of the **International Property Management Code**
The International Existing Building Code 2015 Edition as published by the International Code Council

SECTION 16. Adoption of the **International Swimming Pool and Spa Code**
The 2015 International Swimming Pool and Spa Code 2015 Edition as published by the International Code Council

SECTION 17. Adoption of the current edition of the **National Fire Code** as published by the National Fire Protection Association.

SECTION 18. Adoption of Codes by reference. For the purpose of establishing proper regulations for building construction, installations of plumbing systems, mechanical systems and electrical systems and establishing minimum standards for the health, safety and welfare of the general public the 2015 International Property Maintenance Code and the 2015 International Swimming Pool and Spa Code, together with any amendments, as hereinafter set forth in this chapter, are adopted and made part of this chapter.

SECTION 19. Repeal of Repair and Reconstruction of Damaged Buildings Municipal Code Section 15.10. Adoption of the **California Code of Regulations Title 24 Part 10 California Existing Building Code** supersedes the provisions of the Repair and Reconstruction of Damaged Buildings and resolves any conflicts with the previous code regulations.

SECTION 20. Fire Department The 2016 California Fire Code and 2015 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 21. Building and Safety Division. 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 22. 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 23. 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 24. Repeal of Conflicting Ordinances.

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

SECTION 25. Fees.

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

SECTION 26. 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 2016 editions of the California Code of Regulations T-24 Part 1,2,2.5,3,4,5,6,8,9,10,11&12.

SECTION. 25. Effective Date. This Ordinance shall become effective January 1, 2017.

IN COUNCIL DULY APPROVED FOR INTRODUCTION AND FIRST READING on the 18th day of October, 2016.

IN COUNCIL DULY APPROVED FOR SECOND READING AND ADOPTION on the 1st day of November, 2016.

APPROVED: _____

Sarah Gurney, Mayor

VOTE:
AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:

Larry McLaughlin, City Attorney

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	Adoption of the California Historical Building Code
15.04.110	Adoption of the California Fire Code
15.04.120	Adoption of the California Existing Building Code
15.04.130	Adoption of the California Green Building Standards
15.04.140	Adoption of the California Referenced Standards Code
15.04.150	Adoption of the International Property Management Code
15.04.160	Adoption of the International Swimming Pool and Spa Code
15.04.170	Adoption of the National Fire Code
15.04.180	Fire Department
15.04.190	Building Inspection Department
15.04.200	Non-Liability of City of Sebastopol
15.04.210	Violations and Penalties
15.04.220	Repeal of Conflicting Ordinances
15.04.230	Fees
15.04.240	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 2016 edition, as published by the International Code Council

15.04.040 Adoption of the International Building Code

California Building Code, the 2016 Edition Volumes 1 and 2 and the Appendices thereof as published by the International Code Conference,

California Building Code, Division II, Scope and Administration is amended to amend and add the following:

Section 105.2 Building 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.

Section 105.2 Building 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.

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 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 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.

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.

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.

CHAPTER 2 DEFINITIONS

California Building Code, Chapter 2, General Definitions is amended to amend and add the following:

MEMBRANE STRUCTURE. An air-inflated, air-supported, cable or frame-covered structure as defined by this code and not otherwise defined as a tent or umbrella structure.

SUBSTANTIAL ADDITION. An existing building or structure not classified as Group R-3 occupancy, which undergoes any addition of floor area that is greater than twenty-five percent (25%) of the existing gross floor area.

SUBSTANTIAL ADDITION, Group R-3. An existing Group R-3 building or structure, which undergoes any addition of floor area that exceeds fifty percent (50%) of the existing gross floor area.

SUBSTANTIAL REMODEL. An existing building or structure, which undergoes any alteration of floor area that is greater than fifty percent (50%) of the existing gross floor area or meets the definition of a substantial improvement as defined by the *California Building Code*.

TENT. A structure, enclosure, umbrella structure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

UMBRELLA STRUCTURE. A structure, enclosure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole. (See "Membrane Structure" and "Tent")

Chapter 5 General Building heights and Areas

California Building Section 501.2 is amended to amend to read as follows:

501.2 Address identification. New and existing buildings shall be provided with approved illuminated address identification. The address identification shall be legible and placed in apposition that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall not be spelled out. Character size and stroke shall be in accordance with Section 505.1.1 through 505.1.2. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response in accordance with this

code and Section 505.1.3. Where access is by means of a private road and the building cannot be viewed from the public way or when determined by the fire code official, a monument, pole, or other approved illuminated sign or means shall be used to identify the structure. Address identification shall be maintained.

501.2.1 Numbers for one- and two- family dwellings. Each address identification character shall be not less than four (4) inches high with a minimum stroke width of one-half (0.5) inch.

501.2.2 Numbers for other than one and two-family dwellings. Each address identification character shall be not less than twelve (12) inches high with a minimum stroke width of one (1) inch. Suite and unit directional numbers shall be not less than six (6) inches high with a minimum stroke width of three-quarter (0.75) inch. Numbers shall be not less than four (4) inches high with a minimum stroke width of one-half (0.5) inch.

501.3 Complex directory. Where two or more buildings cannot be viewed from the public way or when determined by the fire code official, an approved illuminated complex directory, monument, pole, or other approved sign or means shall be used to identify the structures at the main entrances to the property.

Chapter 9 Fire Protection Systems

California Building Code, Section 902 is amended to add the following

**SUBSTANTIAL ADDITION
SUBSTANTIAL ADDITION, Group R-3
SUBSTANTIAL IMPROVEMENT
SUBSTANTIAL REMODEL**

Section 903 is amended to read as follows:

California Building Code Section 903.2 is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.19. Approved automatic sprinkler systems in existing buildings and structures shall be provided in locations described in Section 903.6.

Exceptions:

1. Agricultural buildings as approved by the fire code official.
2. Detached pool houses accessory to Group R-3 not classified as a dwelling unit and not exceeding 1,000 square feet (928m²) in gross floor area within 50 feet of the pool and limited to a single bathroom.
3. Detached non-combustible motor vehicle fuel dispensing canopies.
4. Detached Group U Occupancies not greater than 1,000 square feet (928m²).

California Fire Code Section 903.2.1 is amended to read as follows:

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings containing a Group A occupancy.

California Building Code Section 903.2.1.1 through 903.2.1.5 are deleted.

California Building Code Section 903.2.1.6 is renumbered and amended to read as follows:

903.2.1.1 Assembly occupancies on roofs. Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2 and 300 for other Group A

Occupancies, an automatic sprinkler system shall be provided throughout the building in accordance with Section 903.3.1.1 or 903.3.1.2.

California Building Code Section 903.2.1.7 is deleted.

California Building Code Section 903.2.2 is amended to read as follows:

903.2.2 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout buildings containing an ambulatory care facility.

California Building Code Section 903.2.3 is amended to read as follows:

903.2.3 Group E. An automatic sprinkler system shall be installed throughout buildings containing a Group E occupancy. For public school state-funded construction projects see Section 903.2.19

California Building Code Section 903.2.4 is amended to read as follows:

903.2.4 Group F. An automatic sprinkler system shall be provided throughout buildings containing a Group F occupancy.

California Building Code Section 903.2.4.1 is deleted.

California Building Code Section 903.2.5.3 is amended to read as follows:

903.2.5.3 Pyroxylin plastics. An automatic sprinkler system shall be provided throughout buildings where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg).

California Building Code Section 903.2.7 is amended to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M.

California Building Code Section 903.2.8.1 is added to include the exception as follows:

903.2.8.1 Group R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be provided throughout all one- and two-family dwellings regardless of square footage in accordance with the *California Residential Code*. Fire Sprinklers shall be installed in mobile homes, manufactured homes and multi-family manufactured homes with two or more dwelling units in accordance with *Title 25 of the California Code of Regulations*.

California Building Code Section 903.2.9 is amended to read as follow

903.2.9 Group S. An automatic sprinkler system shall be provided throughout all buildings containing a Group S occupancy.

California Building Code Section 903.2.9.1 through 903.2.9.2 is deleted.

California Building Code Section 903.2.10 is amended to read as follows:

903.2.10 Group B. An automatic sprinkler system shall be provided throughout all buildings containing a Group B occupancy.

California Building Code Section 903.2.10.1 is deleted.

California Building Code Section 903.2.11 is amended to read as follows:

903.2.11 Specific buildings areas and hazards. In all occupancies other than detached Group U occupancies not greater than 1,000 square feet (928m²), an automatic sprinkler

system shall be installed for building design or hazard in the locations set forth in Sections 903.2.11.1 through 903.2.11.8.

California Building Code Section 903.2.11.3 exceptions #1 & #2 are deleted.

California Building Code Section 903.2.11.7 is added to read as follows:

903.2.11.7 Undetermined use design. Automatic sprinkler systems installed in buildings or structures of undetermined use shall be designed and installed to have a minimum density of .33 gallons per minute per square foot over a minimum design area of 3,000 square feet (2,784m²).

California Building Code Section 903.2.11.8 is added to read as follows:

903.2.11.8 High-piled storage. An automatic sprinkler system shall be provided throughout as required in Chapter 32 in all buildings where storage is in high-pile or rack storage arrays.

California Building Code, Section 903.4.2 is amended to read as follows:

Section 903.4.2 Alarms. One exterior approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

California Building Code Section 903.6 is added to read as follows:

903.6 Where required in existing buildings and structures. An automatic sprinkler systems shall be provided throughout existing buildings and structures where required in Sections 903.6.1 through 903.6.3.

California Building Code Section 903.6.1 is added to read as follows:

903.6.1 Substantial remodel. An automatic sprinkler system shall be provided throughout all buildings that undergo a substantial remodel or substantial improvement.

Exception: Alterations made solely for the purpose of complying with the *American Disabilities Act*.

California Building Code Section 903.6.2 is added to read as follows:

903.6.2 Substantial addition. An automatic sprinkler system shall be provided throughout all buildings that undergo a substantial addition.

California Building Code Section 903.6.3 is added to read as follows:

903.6.3 Substantial alterations. An automatic sprinkler system shall be provided throughout all buildings that undergo any combination of substantial remodel, addition or both that equals fifty percent (50%) of the existing gross floor area.

California Building Code Section 904.12 is amended to read as follows:

904.12 Commercial cooking systems. Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I Hood, in accordance with the California Mechanical Code, NFPA 96, and an automatic fire extinguishing system that is listed and labeled for its intended use as follows:

1. Wet chemical extinguishing system, complying with UL 300.
2. Carbon dioxide extinguishing system.

3. *Automatic fire sprinkler systems.*

All existing dry chemical and wet chemical extinguishing systems shall comply with UL 300.

Exception: *Public school kitchens, without deep-fat fryers, shall be upgraded to a UL 300 compliant system during state-funded modernization projects that are under the jurisdiction of the Division of the State Architect.*

All systems shall be installed in accordance with the California Mechanical Code, NFPA 96, appropriate adopted standards, their listing and the manufactures' installation instructions.

Exception: *Factory-built commercial cooking recirculating systems that are tested, listed, labeled and installed in accordance with UL 710B and the California Mechanical Code and NFPA 96.*

California Building Code Section 905.3.1 item #2 is amended to read as follows:

905.3.1. *2. Buildings that are three or more stories in height.*

California Building Code Section 905.9 exception #2 is deleted.

California Building Code Section 912.2 is amended to read as follows:

912.2 Location. *With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the fire department connections shall be within 100 feet of a fire hydrant or approved by the fire code official (Also see Section 507.5.1.1).*

CHAPTER 31 SPECIAL CONSTRUCTION

California Building Code, Section 3102.2 is amended to add the following:

MEMBRANE STRUCTURE

TENT

UMBRELLA STRUCTURE

California Building Code, Section 3103.1 is amended to read as follows:

Section 3103.1 General. *The provisions of Section 3101.1 through 3103.4 shall apply to structures erected for a period of less than 180 days. Tents, umbrella structures and other membrane structures erected for a period of less than 180 days shall comply with the California Fire Code. Those erected for longer period of time shall comply with applicable sections of this code.*

CHAPTER 33 SAFEGUARDS DURING CONSTRUCTION

California Building Code, Section 3312.3 is added to read as follows:

Section 3312.3 Detailed requirements. *Automatic sprinkler systems shall be installed in accordance with the provisions of Section 903.*

CHAPTER 35 REFERENCED STANDARDS

California Building Code, Chapter 35, NFPA, 13D-16 is Amended Sections as follows:

Section NFPA 13D-16 - Standard for the installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; as amended*

Revise Section 5.1.1.2 to read as follows:

Section NFPA.13D.5.1.1.2. A supply of at least three sprinklers shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

Add Sections 5.1.1.2.1 as follows:

Section NFPA.13D.5.1.1.2.1. The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property. The stock sprinklers shall include not less than one sprinkler of all types and ratings installed.

Add Sections 5.1.1.2.2 as follows:

Section NFPA.13D.5.1.1.2.2. The sprinklers shall be kept in a mounted and accessible cabinet located where the temperature to which they are subjected will at no time exceed the maximum ceiling temperatures specified in Table 5.1.1.6.1 for each of the sprinklers within the cabinet.

Add Sections 5.1.1.2.4 as follows:

Section NFPA.13D.5.1.1.2.4. One sprinkler wrench as specified by the sprinkler manufacturer shall be provided in the cabinet for each type of sprinkler installed to be used for the removal and installation of sprinklers in the system.

Revise Section 7.6 to read as follows:

Section NFPA.13D.7.6 A local waterflow alarm shall be provided on all sprinkler systems.

Add Section 8.1.3.1.2.1 to read as follows:

Section NFPA.13D.8.1.2.1 Garages are permitted to be protected by residential sprinklers.

Revise Section 8.3.4 to read as follows:

Section NFPA.13D.8.3.4 Sprinklers shall not be required in detached garages, open attached porches, detached carports, and similar structures unless otherwise required by the *California Building or Fire Codes*.

Add Section 8.3.5.2 to read as follows:

Section NFPA.13D.8.3.5.2 At least one quick-response intermediate temperature residential sprinkler shall be installed within 5 feet (1.54m) and above attic access openings.

Revise Section 11.2.1.1 to read as follows:

Section NFPA.13D.11.2.1.1 Where a fire department pumper connection is not provided, the system shall be hydrostatically tested at not less than 200 psi without evidence of leakage.

Appendix Chapter J of the California Building Code, 2016 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, 2016 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.

California Building Code Appendix J 102 is 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.

In addition to the provisions of Section 104, 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.

California Building Code Appendix J 103.1 is amended to read as follows:

Appendix Chapter J, Section J 103.1, 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.

California Building Code Appendix J 110.1 is 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 113 (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.

15.04.50 Adoption of Residential Building Code

California Residential Code 2016 edition as published by the International Code Council
Division II Administration

California Residential Code Section R105.2 exception 1 is amended to read as follows:

R105.2, 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, (11.15m²). The height of the one story detached accessory building shall not exceed 12 feet at any point or as specified by local zoning ordinance.

California Residential Code Section R105.2 exception 10 is amended to read as follows:

R105.2, exception 10. Platforms, and decks not more than 30 inches (762mm) above adjacent grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4

California Residential Code Section R108.6 is amended to read as follows:

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 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.

California Residential Code Section R108.7 is amended to read as follows:

108.7 Reinspection. 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.

California Residential Code Section R108.7 is amended to read as follows:

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

California Residential Code, Section R202 General Definitions is amended to amend and the following:

SUBSTANTIAL ADDITION. An existing Group R-3 building or structure, which undergoes any addition of floor area that exceeds fifty percent (50%) of the existing gross floor area.

SUBSTANTIAL REMODEL. An existing building or structure, which undergoes any alteration of floor area that is greater than fifty percent (50%) of the existing gross floor area or meets the definition of a substantial improvement as defined by the *California Building Code*.

Section R313 Automatic Fire Sprinkler Systems

California Residential Code Section R313.1 is amended and added to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed throughout all townhouses regardless of square footage in accordance with this code. Fire Sprinklers shall be installed in mobile homes, manufactured homes and multi-family manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.

Exceptions:

1. Detached Group U occupancies 1,000 sq. ft. or less.
2. Detached pool houses up to 1,000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
3. 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.
4. Carports of non-combustible construction.

California Residential Code Section R313.1.2 is added to read as follows:

R313.1.2 Substantial remodel. An automatic sprinkler system shall be provided throughout all townhomes that undergo a substantial remodel or substantial improvement.

Exception: Alterations made solely for the purpose of complying with the American Disabilities Act.

California Residential Code Section R313.1.3 is added to read as follows:

R313.1.3 Substantial addition. An automatic sprinkler system shall be provided throughout all townhomes that undergo a substantial addition.

California Residential Code Section R313.1.4 is added to read as follows:

R313.1.4 Substantial alterations. An automatic sprinkler system shall be provided throughout all townhomes that undergo any combination of substantial remodel, addition or both that equals fifty percent (50%) of the existing gross floor area. 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.

California Residential Code Section R313.2 is amended to read as follows:

R313.2 One – two family dwellings automatic fire sprinkler systems. An automatic sprinkler system shall be installed throughout all one- and two-family dwellings regardless of square footage in accordance with this code. Fire Sprinklers shall be installed in mobile homes, manufactured homes and multi-family manufactured homes with two dwelling units in accordance with *Title 25 of the California Code of Regulations*.

Exceptions:

1. Detached Group U occupancies 1,000 sq. ft. or less.
2. Detached pool houses up to 1,000 sq. ft. in floor area within 50 feet of the pool and limited to a single bathroom.
3. 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.
4. Carports of non-combustible construction.

California Residential Code Section R313.2.2 is added to read as follows:

R313.2.2 Substantial remodel. An automatic sprinkler system shall be provided throughout all one-and-two-family dwellings that undergo a substantial remodel or substantial improvement.

Exception: Alterations made solely for the purpose of complying with the *American Disabilities Act*.

California Residential Code Section R313.2.3 is added to read as follows:

R313.2.3 Substantial addition. An automatic sprinkler system shall be provided throughout all one-and-two-family dwellings that undergo a substantial addition.

California Residential Code Section R313.2.4 is added to read as follows:

R 313.2.4 Substantial alterations. An automatic sprinkler system shall be provided throughout all one-and-two-family dwellings that undergo any combination of substantial remodel, addition or both that equals fifty percent (50%) of the existing gross floor area. 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.

CHAPTER 44 REFERENCED STANDARDS

California Residential Building Code, Chapter 44, NFPA, 13D-16 is Amended Sections as follows:

Section NFPA 13D-16 - Standard for the installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes; as amended*

Revise Section 5.1.1.2 to read as follows:

Section NFPA.13D.5.1.1.2. A supply of at least three sprinklers shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

Add Sections 5.1.1.2.1 as follows:

Section NFPA.13D.5.1.1.2.1. The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property. The stock sprinklers shall include not less than one sprinkler of all types and ratings installed.

Add Sections 5.1.1.2.2 as follows:

Section NFPA.13D.5.1.1.2.2. The sprinklers shall be kept in a mounted and accessible cabinet located where the temperature to which they are subjected will at no time exceed the maximum ceiling temperatures specified in Table 5.1.1.6.1 for each of the sprinklers within the cabinet.

Add Sections 5.1.1.2.4 as follows:

Section NFPA.13D.5.1.1.2.4. One sprinkler wrench as specified by the sprinkler manufacture shall be provided in the cabinet for each type of sprinkler installed to be used for the removal and installation of sprinklers in the system.

Revise Section 7.6 to read as follows:

Section NFPA.13D.7.6 A local waterflow alarm shall be provided on all sprinkler systems.

Add Section 8.1.3.1.2.1 to read as follows:

Section NFPA.13D.8.1.2.1 Garages are permitted to be protected by residential sprinklers.

Revise Section 8.3.4 to read as follows:

Section NFPA.13D.8.3.4 Sprinklers shall not be required in detached garages, open attached porches, detached carports, and similar structures unless otherwise required by the *California Building or Fire Codes*.

Add Section 8.3.5.2 to read as follows:

Section NFPA.13D.8.3.5.2 At least one quick-response intermediate temperature residential sprinkler shall be installed within 5 feet (1.54m) and above attic access openings.

Revise Section 11.2.1.1 to read as follows:

Section NFPA.13D.11.2.1.1 Where a fire department pumper connection is not provided, the system shall be hydrostatically tested at not less than 200 psi without evidence of leakage.

15.04.06 Adoption of the National Electrical Code

The California Electrical Code, 2016 Edition, as published by the National Fire Protection Association.

15.04.70 Adoption of the International Mechanical Code

The California Mechanical Code, 2016 Edition as published by the International Association of Plumbing and Mechanical Officials

15.04.080 Adoption of the International Plumbing Code

The California Plumbing Code, 2016 Edition, as published by the International Association of Plumbing and Mechanical Officials.

15.04.090 Adoption of the California Energy Code

The California Energy Code 2016 Edition as published by the International Code Council

15.04.100 California Historical Building Code

The California Historical Building Code 2016 edition as published by the International Code Council.

15.04.110 California Fire Code

The California Fire Code, the 2016 Edition including Appendix Chapters 4, B, C, D, E, F, G, H, and N thereof as published by the International Code Conference, with the following amendments.

Chapter 1 ADMINISTRATION

California Fire Code, Section 101.1 is amended to read as follows:

Section 101.1 Title 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"

California Fire Code, Section 104.2.1 is amended to read as follows:

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.

California Fire Code, Section 105.6 is amended to read as follows:

105.6 Required Operational permits. The fire code official is authorized to issue operational permits for operations set forth in Sections 105.6.1 through 105.6.50.

California Fire Code, Section 105.6.50 is added to read as follows:

105.6.50 Local permits. *In addition to the permits required by section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions:*

1. **Apartment, hotel, or motel.** *An operational permit is required to operate an apartment house, hotel or motel.*
2. **Care Facilities.** *An operational permits are required to operate a care facility as listed:*
3. *Day care with an occupant load greater than eight (8) persons.*
4. *Residential or commercial institutional care facility, occupancies complying with Health and Safety Code Section 13235 are exempt.*
5. **Emergency Responder Radio System.** *An operational permit is required to operate an*
6. *Emergency Responder Radio System.*

7. **High-rise occupancy.** An operational permit is required to operate a high-rise building as defined in Title 24, Part 2, California Code of Regulations.
8. **Live Entertainment.** An operational permit is required to operate a business where alcohol is served, while providing live entertainment to the public.
9. **Medical cannabis.** Operational permits are required to operate a medical cannabis facility or operation listed below:
 - I. Cultivation
 - II. Distribution
 - III. Manufacturing (non-volatile)
 - IV. Testing/lab
10. **Model rockets rental, sale or operation.** An operational permit is required to operate, manufacture, import, export, possess, store, rent or sell model rockets as defined by Health and Safety Code Section 12519.

California Fire Code, Section 109.4 is amended to read as follows:

109.4 Violation penalties. In accordance with the provisions of this code, any persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certification used under provisions of this code, or any person operating or maintaining any occupancy, premises, or vehicle subject to this code, fire and life safety provisions of the California Building Code, or allow any fire hazard to exist on premises under their control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the fire code official or authorized designee shall be guilty of a misdemeanor, and shall severally for each and every violation and noncompliance respectively, be punishable by a fine of not more than \$1,000 or by imprisonment not exceeding six months, or both such fine and imprisonment.

The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

California Fire Code, Section 109.5 is added to read as follows:

109.5 Authority to issue 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.

California Fire Code, Section 113.2.1 is added to read as follows:

113.2.1 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 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.

California Fire Code, Section 111.4 is amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalty provisions of Section 109 of the Sebastopol Fire Code or state law.

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

113.6 Cost recovery. Fire suppression, investigation or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1, as may be amended from time to time. Additionally, any person(s) who negligently, intentionally or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable or combustible fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150, et seq, as may be amended from time to time. Any expense incurred by the Sebastopol Fire Department for securing such emergency shall constitute a debt of such person(s) and shall be collectable by the Sebastopol Fire Department in the same manner as in the case of an obligation under contract, expressed or implied.

Chapter 2 DEFINITIONS

California Fire Code, Section 201.5 is added to read the following:

Section 201.5 Wherever the word "jurisdiction" is used in the 2016 California Fire Code and 2015 International Fire Code, it shall be understood to mean that the City of Sebastopol is the local fire authority having jurisdiction (AHJ).

California Fire Code, Section 202 is amended to read as follows:

Section 202 Where the party responsible for the enforcement of the 2016 California Fire Code and 2015 International Fire Code is given the title of "fire marshal," add the following definition

California Fire Code, Section 202, Definitions is amended to amend and add the following:

FIRE MARSHAL is the chief of the bureau of fire prevention

MEMBRANE STRUCTURE. An air-inflated, air-supported, cable or frame-covered structure as defined by the *California Building Code* and not otherwise defined as a tent or umbrella structure. See Chapter 31 of the *California Building Code*.

SUBSTANTIAL ADDITION. An existing building or structure not classified as Group R-3 occupancy, which undergoes any addition of floor area that is greater than twenty-five percent (25%) of the existing gross floor area.

SUBSTANTIAL ADDITION, Group R-3. An existing Group R-3 buildings or structures, which undergoes any addition of floor area that exceeds fifty percent (50%) of the existing gross floor area.

SUBSTANTIAL REMODEL. An existing building or structure, which undergoes any alteration of floor area that is greater than fifty percent (50%) of the existing gross floor area or meets the definition of a substantial improvement as defined by the *California Building Code*.

TENT. A structure, enclosure, umbrella structure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

UMBRELLA STRUCTURE. A structure, enclosure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole. (See "Membrane Structure" and "Tent")

UNWARRANTED ALARM. The giving, signaling or transition of an alarm notification to a public fire station or emergency communication center when such alarm is the result of a defective condition of an alarm system, system servicing testing, construction activities, ordinary household activities, false alarm or other cause when no such danger exists.

Amend Chapter 3 General Precautions to read:

California Fire Code, Section 304.1.2.1 is added to read as follows:

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.

California Fire Code, Section 307.1.2 is added to read as follows:

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.

CHAPTER 4 EMERGENCY PLANNING AND PREPARDNESS

California Fire Code, Section 402.1 is amended to add the following:

UNWARRANTED ALARM

California Fire Code, Section 401.3.2.1 is added to read as follows:

401.3.2.1 Unwarranted alarm notification. Notification of emergency responders based on an unwarranted alarm may be punishable by a fine in accordance with the adopted fee schedule. In addition, the responsible party may be liable for the operational and administrative costs, incurred from the emergency response or mitigation procedures resulting from an unwarranted alarm notification.

CHAPTER 5 FIRE SERVICE FEATURES to read as follows:

California Fire Code, Section 503.3 is amended to read as follows:

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE in accordance with the *California Vehicle Code*, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

California Fire Code, Section 505.1.1 is amended to read as follows:

505.1 Address identification. New and existing buildings shall be provided with approved illuminated address identification. The address identification shall be legible and placed in apposition that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall not be spelled out. Character size and stroke shall be in accordance with Section 505.1.1 through 505.1.2. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response in accordance with this code and Section 505.1.3. Where access is by means of a private road and the building cannot be viewed from the public way or when determined by the fire code official, a monument, pole, or other approved illuminated sign or means shall be used to identify the structure. Address identification shall be maintained.

California Fire Code, Section 505.1.1 is added to read as follows:

505.1.1 Numbers for one- and two- family dwellings. Each address identification character shall be not less than four (4) inches high with a minimum stroke width of one-half (0.5) inch.

California Fire Code, Section 505.1.2 is added to read as follows:

505.1.2 Numbers for other than one and two-family dwellings. Each address identification character shall be not less than twelve (12) inches high with a minimum stroke width of one (1) inch. Suite and unit directional numbers shall be not less than six (6) inches high with a minimum stroke width of three-quarter (0.75) inch. Numbers shall be not less than four (4) inches high with a minimum stroke width of one-half (0.5) inch.

California Fire Code, Section 505.1.3 is added to read as follows:

505.1.3 Complex directory. Where two or more buildings cannot be viewed from the public way or when determined by the fire code official, an approved illuminated complex directory, monument, pole, or other approved sign or means shall be used to identify the structures at the main entrances to the property.

California Fire Code, Section 507.5.1.1 is amended to read as follows:

507.5.1.1 Hydrant for fire department connections. Buildings equipped with a water-based fire protection system installed in accordance with Section 903 through 905 shall have a fire hydrant within 100 feet of the fire department connections, or as approved by the fire code official. (Also see Section 912.2).

Chapter 9 Fire Protection Systems

California Fire Code, Section 902.1 is amended to add the following definitions

SUBSTANTIAL ADDITION

SUBSTANTIAL ADDITION, Group R-3

SUBSTANTIAL IMPROVEMENT

SUBSTANTIAL REMODEL

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

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.19. Approved automatic sprinkler systems in existing buildings and structures shall be provided in locations described in Section 903.6.

Exceptions:

5. Agricultural buildings as approved by the fire code official.
6. Detached pool houses accessory to Group R-3 not classified as a dwelling unit and not exceeding 1,000 square feet (928m²) in gross floor area within 50 feet of the pool and limited to a single bathroom.
7. Detached non-combustible motor vehicle fuel dispensing canopies.
8. Detached Group U Occupancies not greater than 1,000 square feet (928m²).

California Fire Code Section 903.2.1 is amended to read as follows:

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings containing a Group A occupancy.

California Fire Code Section 903.2.1.1 through 903.2.1.5 are deleted.

California Fire Code Section 903.2.1.6 is amended to read as follows:

903.2.1.1.6 Assembly occupancies on roofs. Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2 and 300 for other Group A Occupancies, an automatic sprinkler system shall be provided throughout the building in accordance with Section 903.3.1.1 or 903.3.1.2.

California Fire Code Section 903.2.1.7 is deleted.

California Fire Code Section 903.2.2 is amended to read as follows:

903.2.2 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout buildings containing an ambulatory care facility.

California Fire Code Section 903.2.3 is amended to read as follows:

903.2.3 Group E. An automatic sprinkler system shall be installed throughout buildings containing a Group E occupancy.

California Fire Code Section 903.2.4 is amended to read as follows:

903.2.4 Group F. An automatic sprinkler system shall be provided throughout buildings containing a Group F occupancy.

California Fire Code Section 903.2.4.1 is deleted.

California Fire Code Section 903.2.5.3 is amended to read as follows:

903.2.5.3 Pyroxylin plastics. An automatic sprinkler system shall be provided throughout buildings where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg).

California Fire Code Section 903.2.7 is amended to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where gross floor area exceeds 500 square feet (464m²).

California Fire Code Section 903.2.8.1 is amended to include the exception as follows:

903.2.8.1 Group R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be provided throughout all one- and two-family dwellings regardless of square footage in accordance with the *California Residential Code*. Fire Sprinklers shall be installed in all mobile homes, manufactured homes and multi-family manufactured homes with two or more dwelling units in accordance with *Title 25 of the California Code of Regulations*.

California Fire Code Section 903.2.9 is amended to read as follow:

903.2.9 Group S. An automatic sprinkler system shall be provided throughout all buildings containing a Group S occupancy.

California Fire Code Section 903.2.9.1 through 903.2.9.2 is deleted.

California Fire Code Section 903.2.10 is amended to read as follows:

903.2.10 Group B. An automatic sprinkler system shall be provided throughout all buildings containing a Group B occupancy.

California Fire Code Section 903.2.10.1 is deleted.

California Fire Code Section 903.2.11 is amended to read as follows:

903.2.11 Specific buildings areas and hazards. In all occupancies other than detached Group U occupancies not greater than 1,000 square feet (928m²), an automatic sprinkler system shall be installed for building design or hazard in the locations set forth in Sections 903.2.11.1 through 903.2.11.8.

California Fire Code Section 903.2.11.3 exceptions #1 & #2 are deleted.

California Fire Code Section 903.2.11.7 is added to read as follows:

903.2.11.7 Undetermined use design. Automatic sprinkler systems installed in buildings or structures of undetermined use shall be designed and installed to have a minimum density of .33 gallons per minute per square foot over a minimum design area of 3,000 square feet (2,784m²).

California Fire Code Section 903.2.11.8 is added to read as follows:

903.2.11.8 High-piled storage. An automatic sprinkler system shall be provided throughout as required in Chapter 32 in all buildings where storage is in high-pile or rack storage arrays.

California Fire Code Section 903.6 is amended to read as follows:

903.6 Where required in existing buildings and structures. An automatic sprinkler systems shall be provided throughout existing buildings and structures where required in Sections 903.6.1 through 903.6.3.

California Fire Code Section 903.6.1 is added to read as follows:

903.6.1 Substantial remodel. An automatic sprinkler system shall be provided throughout all buildings that undergo a substantial remodel or substantial improvement.

Exception: Alterations made solely for the purpose of complying with the *American Disabilities Act*.

California Fire Code Section 903.6.2 is added to read as follows:

903.6.2 Substantial addition. An automatic sprinkler system shall be provided throughout all buildings that undergo a substantial addition.

California Fire Code Section 903.6.3 is added to read as follows:

903.6.3 Substantial alteration. An automatic sprinkler system shall be provided throughout all buildings that undergo any combination of substantial remodel, addition or both that equals fifty percent (50%) of the existing gross floor area. 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.

California Fire Code Section 903.4.2 is amended to read as follows:

903.4.2 Alarms. One exterior approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

California Fire Code Section 904.12 is amended to read as follows:

904.12 Commercial cooking systems. Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I Hood, in accordance with the California Mechanical Code, NFPA 96, and an automatic fire extinguishing system that is listed and labeled for its intended use as follows:

4. Wet chemical extinguishing system, complying with UL 300.
5. Carbon dioxide extinguishing system.
6. Automatic fire sprinkler systems.

All existing dry chemical and wet chemical extinguishing systems shall comply with UL 300.

Exception: Public school kitchens, without deep-fat fryers, shall be upgraded to a UL 300 compliant system during state-funded modernization projects that are under the jurisdiction of the Division of the State Architect.

All systems shall be installed in accordance with the California Mechanical Code, NFPA 96, appropriate adopted standards, their listing and the manufactures' installation instructions.

Exception: Factory-built commercial cooking recirculating systems that are tested, listed, labeled and installed in accordance with UL 710B and the California Mechanical Code and NFPA 96.

California Fire Code Section 905.3.1 item #2 is amended to read as follows:

905.3.1. 2. Buildings that are three or more stories in height.

California Fire Code Section 905.9 exception #2 is deleted.

California Fire Code Section 912.2 is amended to read as follows:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the fire department connections shall be within 100 feet of a fire hydrant or approved by the fire code official (*Also see Section 507.5.1.1*).

CHAPTER 11 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

California Fire Code Section 1103.1 is amended to read as follows:

1103.1 Required construction. Existing buildings shall comply with not less than the minimum provisions specified in Table 1103.1 and as further enumerated in Sections 1103.2, 1103.6, 1103.7, 1103.8 through 1103.8.5.3, 1103.9, and 1103.10.

The provisions of this chapter shall not be constructed to allow the elimination of fire protection systems or a reduction in the level of fire safety provided in buildings constructed in accordance with previously adopted codes.

Exceptions:

1. Where a change in fire-resistance rating has been approved in accordance with Section 803.6 of the *California Existing Building Code*.
2. Group U occupancies.

California Fire Code Sections 1103.2 Item #1 is deleted.

California Fire Code Sections 1103.3 through 1103.5.4 are deleted.

California Fire Code Sections 1104 and 1105 are deleted.

CHAPTER 31 TENTS AND OTHER MEMBRANE STRUCTURES

California Fire Code, Section 3102.1 is amended to amend and add the following:

MEMBRANE STRUCTURE

TENT

UMBRELLA STRUCTURE

California Fire Code Section 3101.1 is amended to read as follows:

3101.1 Scope. Tents, umbrella structures, temporary stage canopies and membrane structures shall comply with this chapter. The provisions of Section 3103 are applicable only to temporary tents, umbrella structures, and membrane structures. The provisions of Section 3104 are applicable to temporary and permanent tents, umbrella structures, and membrane structures. Other temporary structures shall comply with the *California Building Code*.

These building standards govern the use of tents, umbrella structures, awnings or other fabric enclosures, including membrane (air-supported and air-inflated) structures and places of assemblage, in or under which 10 or more persons may gather for any lawful purpose.

Exceptions:

1. Tents, umbrella structures, awnings or other fabric enclosures used to cover or enclose private swimming pools and similar facilities on the premises of private one- and two-family dwellings.
2. Tents used to conduct committal services on the grounds of a cemetery.
3. Tents, umbrella structures, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.
4. Tensioned membrane roof materials supported by ridged frames or installed on a mast and cable system provided such structures conform to the requirements of one of the types of construction as described in these regulations.
5. Fabric structures which are part of mobile homes, recreational vehicles, or commercial coaches governed by the provisions of Division 13, Part 2, Health and Safety Code (Department of Housing and Community Development).

CHAPTER 33 FIRE SAFETY DURING CONSTRUCTION

California Fire Code Section 3314.3 is added to read as follows:

3314.3 Where required. In buildings of combustible construction required to have automatic sprinkler system by Section 903, automatic sprinkler system shall be installed prior to construction exceeding 40 feet (12,192 mm) in height above the lowest level of fire department vehicle access. Such automatic sprinkler system shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring. California Fire Code Section 3314.4 is added to read as follows:

California Fire Code Section 3314.4 is added to read as follows:

3314.4 Buildings being demolished. Where a building is being demolished and a automatic sprinkler system is existing within such a building, such automatic sprinkler system shall be maintained in an operable condition so as to be available for use by the fire department. Such automatic sprinkler system shall be demolished with the building but shall not be demolished more than one floor below the floor being demolished.

California Fire Code, Section 3314.3 is added to read as follows:

3314.5 Detailed requirements. Automatic sprinkler systems shall be installed in accordance with the provisions of Section 903.

CHAPTER 56 EXPLOSIVES AND FIREWORKS

California Fire Code Section 5601.1.6 is added to read as follows:

5601.1.6 Sale, use or discharge of fireworks prohibited – exception. Except for firework displays authorized pursuant to this section, it is unlawful for any person to possess, store, offer or expose for sale, sell at retail, give away or in any manner dispose of any fireworks, or to use, explode, or otherwise discharge any fireworks.

Any person or group desiring to perform a fireworks display shall first make written application for a permit to the fire code official. Application for a permit shall be made in writing at least twenty (20) days prior to the proposed display. The application shall be considered and acted

upon by the fire code official or authorized designee pursuant to *Title 19, Chapter 6, Article 3 - Licenses of the California Code of Regulations*. Any permit for a fireworks display may be suspended or revoked at any time by the Fire code official or authorized designee.

California Fire Code Section 5601.2.5 is added to read as follows:

5601.2.5The limits referred to in Section 5604.1 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,

California Fire Code Section 5601.2.6 is added to read as follows:

Section 5601.2.6 is added to read Prohibition.

5601.2.6 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 57 Flammable and Combustible Liquids

California Fire Code Section 5706.2.4.4 is added to read as follows:

5706.2.4.4 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 61 Liquefied Petroleum Gases

California Fire Code Section 6104.2 is added to read as follows:

6104.2 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.

CHAPTER 80 REFERENCED STANDARD

NFPA 13D-16 - Standard for the installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes: as amended*...

Revise Section 5.1.1.2 to read as follows:

NFPA.13D.5.1.1.2. A supply of at least three sprinklers shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

Add Sections 5.1.1.2.1 as follows:

NFPA.13D.5.1.1.2.1. The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property. The stock sprinklers shall include not less than one sprinkler of all types and ratings installed.

Add Sections 5.1.1.2.2 as follows:

NFPA.13D.5.1.1.2.2. The sprinklers shall be kept in a mounted and accessible cabinet located where the temperature to which they are subjected will at no time exceed the maximum ceiling temperatures specified in Table 5.1.1.6.1 for each of the sprinklers within the cabinet.

Add Sections 5.1.1.2.4 as follows:

NFPA.13D.5.1.1.2.4. One sprinkler wrench as specified by the sprinkler manufacture shall be provided in the cabinet for each type of sprinkler installed to be used for the removal and installation of sprinklers in the system.

Revise Section 7.6 to read as follows:

NFPA.13D.7.6 A local waterflow alarms shall be provided on all sprinkler systems.

Add Section 8.1.3.1.2.1 to read as follows:

NFPA.13D.8.1.2.1 Garages are permitted to be protected by residential sprinklers.

Revise Section 8.3.4 to read as follows:

NFPA.13D.8.3.4 Sprinklers shall not be required in open attached porches, detached garages and detached carports, unless otherwise required by the California Building or Fire Code.

Add Section 8.3.5.2 to read as follows:

NFPA.13D.8.3.5.2 At least one quick-response intermediate temperature residential sprinkler shall be installed within 5 feet (1.54m) and above attic access openings.

Revise Section 11.2.1.1 to read as follows:

NFPA.13D.11.2.1.1 Where a fire department pumper connection is not provided, the system shall be hydrostatically tested at not less than 200 psi without evidence of leakage.

15.04.130 California Green Building Standards Code

The 2016 California Green Building Standards and the Appendices thereof as published by the International Code Council

California Green Building Standards Code, Section 2 is amended to read as follows:

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.

California Green Building Standards Code Appendix A4 Section A4.601.1 is added to read as follows:

A4.6.601.1 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.

California Green Building Standards Code Appendix A5 Section A5.601.1 is added to read as follows:

A5.6.601.1 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.

15.04.140 California Referenced Standards Code

The 2016 California Building Referenced Standards, as published by the International Code Council.

15.04.150 Adoption of the International Property Management Code

The International Existing Building Code 2015 Edition as published by the International Code Council

15.04.160 Adoption of the International Swimming Pool and Spa Code

The 2015 International Swimming Pool and Spa Code 2015 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 Fire Department

The 2016 California Fire Code and 2015 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.

15.04.190 Building and Safety Division.

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.

15.04.200 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.

15.04.210 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.

15.04.220 Repeal of Conflicting Ordinances.

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

15.04.230 Fees

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

15.04.240 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 2016 edition of the California Code of Regulations T-24 Part 1,2, 2.5,3,4,5,6,8,9,10,11,&12.

EXHIBIT "A"
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, 2017. 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, 2016 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, 2016 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 California Building Code, 2016 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.

California Building Code Appendix J 102 is 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.

In addition to the provisions of Section 107, 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.

California Building Code Appendix J Section J 110, Erosion Control, is hereby amended to include the following:

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

- Grading operations performed between October 1st and April 15th.
- Grading along Calder Creek or Zimpher Creek or their tributaries, or on lands that discharge drainage directly to the Laguna de Santa Rosa
- 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.

With respect to the activities regulated by the Ordinance, CBC Section 109.4 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.

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 B of this Ordinance, are made in connection with the adoption of revisions or additions to the 2016 California Building Code Appendix Chapter J.

Exhibit B

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.

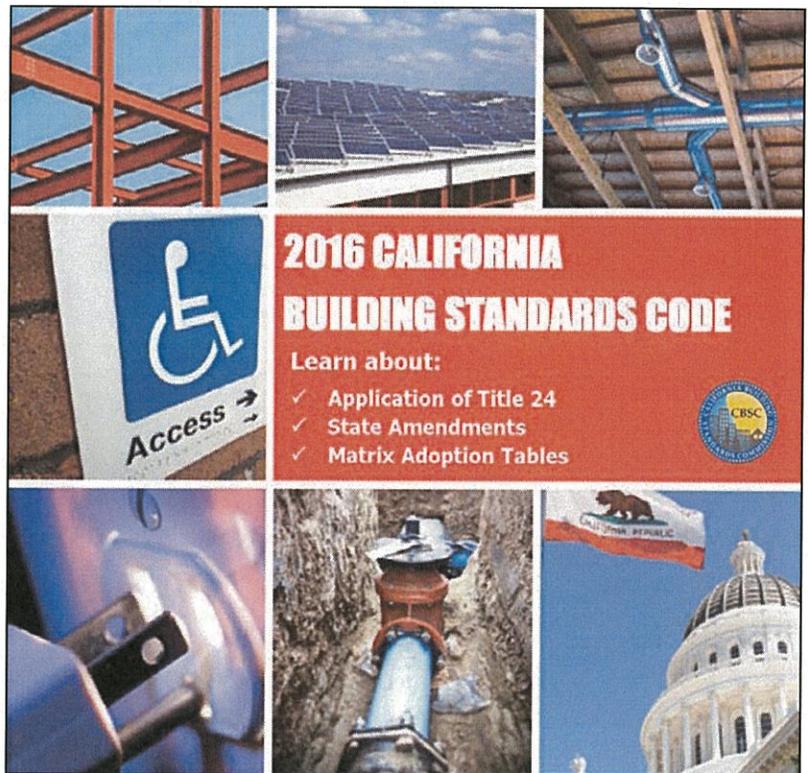
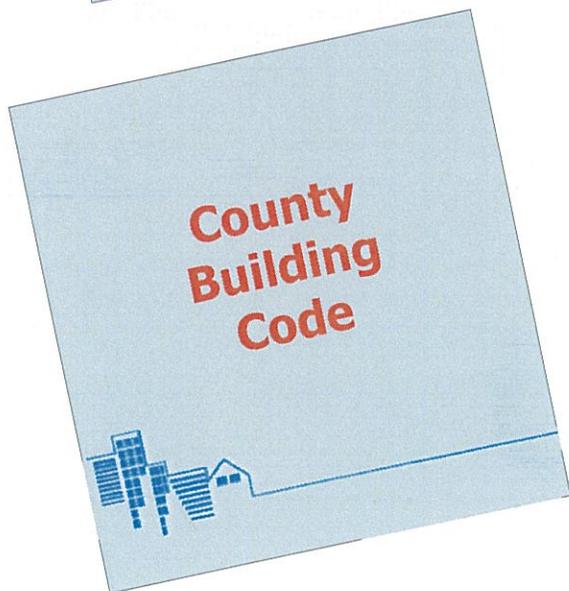
The City of Sebastopol is situated 12.5 miles northeast of the San Andreas Fault and 8 miles southwest of the Healdsburg-Rogers Creek Fault. These are both active faults, which have in the past caused damage to buildings within the City. These faults are capable of causing earthquakes in the magnitude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

Guide for Local Amendments of Building Standards

This guide provides information for local government and Fire Protection Districts on the requirements of state law for local amendments to building standards.



July 2016



**An educational publication from the
California Building Standards Commission
Available at www.bsc.ca.gov**

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Introduction

This guide is provided by the California Building Standards Commission (CBSC hereafter) for the purpose of assisting local government with the requirements in state law applying to local amendments to the California Building Standards Code, in Title 24, California Code of Regulations, as published by the CBSC. This guide supersedes previously issued CBSC Information Bulletins 10-03 and 11-01. While state laws are explained and clarifying information is provided, not every state law pertaining to a local amendment may be identified or discussed. Reprints of the laws and regulations referenced herein are provided in Appendix 1 and 2 at the end of this guide.

This guide and other educational documents are available at no charge from the CBSC website <http://www.bsc.ca.gov>. In particular, our *Guide to Title 24* should be studied by persons not already trained in the application and use of Title 24. Much of the discussion in our *Guide to Title 24* provides background information that will be helpful when using this guide. A listing of our educational publications is provided in Appendix 3 at the end of this guide. If you have not studied our *Guide to Title 24*, keep these fundamentals in mind as you read this guide.

- State laws are enacted through the legislative process.
- State regulations, including building standards, are enacted by state agencies as required by state laws for the purpose of implementing, interpreting, clarifying and carrying out the requirements of state law.
- The CBSC is required by state law to adopt, approve, and publish building standards in Title 24, California Code of Regulations, that apply statewide to all building occupancies.

Glossary of Terms, Acronyms, and Abbreviations

The following terms, acronyms, and abbreviations are used in this guide.

CBC: means the California Building Code, which is Part 2 of Title 24, California Code of Regulations.

CBSC: means the California Building Standards Commission

CEC: means the California Energy Commission

GC: Government Code (state law)

HCD: Department of Housing and Community Development

HSC: means the Health and Safety Code (state law)

PRC: means the Public Resources Code (state law)

SHBSB: means the State Historical Building Safety Board

California Code of Regulations (CCR): Regulations by the Executive Branch agencies and departments of state government adopted to implement state laws. The CCR is subdivided into 28 titles (Title 1 through 28). Each title has a particular subject area.

Title 24: the 24th of 28 titles subdividing the California Code of Regulations. Title 24 contains building standards governing the design and construction of buildings throughout California.

Title 25: the 25th of 28 titles subdividing the California Code of Regulations. Title 25 has regulations adopted by the Department of Housing and Community Development.

A more extensive *Glossary of Terms* relating to the adoption, publication, and application of building standards is available at the CBSC website <http://www.bsc.ca.gov/>, under the *Education* tab.

Applicable State Laws

The state law that establishes the statewide building standards code, known as the California Building Standards Code, located in Title 24 of the California Code of Regulations, is found in the California Health and Safety Code. Within state law there are various provisions establishing requirements and building standards for the various types of buildings, building uses, features and equipment. Let's discuss two bodies of law within the Health and Safety Code regarding building standards.

Note: A building standard is defined in Health and Safety Code Section 18909. In short a building standard is a regulation governing the design and construction of a building. Page 4 of this guide provides for information on how to access state laws online.

The first state law relating to the subject is known as the California Building Standards Law and it is located in Division 13, Part 2.5, commencing with Section 18901 of the Health and Safety Code. The provisions of Part 2.5 govern the work of

the CBSC and how the code adopted and published by the CBSC applies to all building occupancies throughout California.

The second body of law is known as the State Housing Law, which is located in Health and Safety Code, Division 13, Part 1.5, commencing with Section 17910. Part 1.5 establishes authority for the Department of Housing and Community Development to develop and propose building standards applicable to residential occupancies, including hotels, motels, lodging houses, apartment houses, and dwellings. Such proposals are presented to the CBSC for adoption and publication in the California Building Standards Code, Title 24, California Code of Regulations (Title 24 hereafter). Additionally, the Department of Housing and Community Development (HCD) has adopted administrative regulations (not building standards) to implement the State Housing Law, which are located in Title 25, Division 1, Chapter 1, Subchapter 1, commencing with Section 1, of the California Code of Regulations. These administrative regulations should not be confused with the building standards developed by the Department of Housing and Community Development that are adopted and published in Title 24 by the CBSC.

The State Housing Law also requires the Office of the State Fire Marshal (SFM) to develop and propose building standards for fire and panic safety in residential occupancies including hotels, motels, lodging houses, apartment houses, and dwellings. Such building standards are presented to the CBSC for adoption and publication in Title 24.

Here we have discussed two bodies of state law mandating requirements for buildings. There are many more. For additional information on state laws requiring building standards for the various types of buildings and building uses, refer to Sections 1.2 through 1.14 of Chapter 1, Division 1, of the California Building Code (Part 2 of Title 24). The authority and reference provisions of each section identifies the state laws that mandate the enactment of building standards and assigns the responsibility to develop building standards to the state agencies. This subject is explained in detail in our *Guide to Title 24*.

Applicability of State Published Building Standards

The portions of the Health and Safety Code discussed above establish that Title 24 published by the CBSC, which incorporates the latest editions of selected model codes, is the applicable code for all building occupancies throughout the state. The utilization of the selected model codes is explained in our *Guide to Title 24*. It should

be understood that the model codes by themselves do not include all applicable requirements for the design and construction of buildings in California.

[References: Health and Safety Code (HSC) 17950 and 18938(b) available in Appendix 1]

Availability of Referenced Laws and Regulations

1. **State Law:** All state laws referenced herein may be accessed at the state website <http://www.leginfo.ca.gov/>.
2. **Title 24:** Title 24 of the California Code of Regulations, known as the California Building Standards Code, may be accessed through the CBSC website <http://www.bsc.ca.gov/>.
3. **Titles other than Title 24:** Titles 1 through 28, except for Title 24, of the California Code of Regulations may be access at the Office of Administrative Law website <http://www.oal.ca.gov/> .

Fundamental Requirements

A brief summary of the responsibilities and authorities of local government established in state law regarding building standards follows.

1. **Local Government Enforcement:** Except for building occupancies subject to state agency enforcement, local government must enforce Title 24 as published by the CBSC. Examples of buildings subject to state enforcement include hospitals, prisons, state government buildings, University of California buildings, California State University buildings, and Community College buildings. Most all other building types and occupancies are subject to local enforcement. Enforcement responsibilities are clarified in Sections 1.2 through 1.14 of Chapter 1, Division 1, of the California Building Code (Part 2 of Title 24).

[References: HSC 13145, 13146, 13196, 17960, 17961, 17962, 18959, and 19958, GC 4453(b), Civil Code 55.53, and PRC 25402.1(g), available in Appendix 1]

- 2. Code by Default:** The majority of local governments adopt the published Title 24 by reference in local ordinances. This is commonly called an adoption ordinance. If local government does not adopted Title 24 by local ordinance, Title 24 is the applicable code by default. Title 24 applies throughout the state and to all building occupancies, whether or not the local government has an adoption ordinance. This is made clear in Health and Safety Code Sections 17958 and 18938, and in Section 1.1.3 of Chapter 1, Division 1, in the California Building Code (Part 2 of Title 24).

[References: HSC 17958 and 18938(b) available in Appendix 1 and CBC 1.1.3 available in Appendix 2.]

- 3. Local Amendments Permitted:** Various state laws identified herein authorize local government and Fire Protection Districts to adopt local ordinances making amendments to the building standards of Title 24. To do so, the local government or Fire Protection District must satisfy the requirements of state law applicable to the type of amendment. Each of the state laws authorizing local amendments include specific requirements to be satisfied before the local amendments may be effective and enforced. All these requirements are explained *Local Code Amendment Authority and Requirements* herein.

Local ordinances making amendments to Title 24 that have been filed with the CBSC and accepted as meeting the filing requirements of state law are available for viewing at *Local Filings*, under the *Codes* tab at the CBSC website <http://www.bsc.ca.gov/>.

- 4. Amendments must be adopted for each new edition of Title 24:** Local amendments must be specific to an edition of Title 24. Thus, with each new edition of Title 24, local government must satisfy all the requirements in state law applying to local amendments. All the requirements are explained in *Local Code Amendment Authority and Requirements* herein.
- 5. Amendments must be filed with the State:** Local ordinances making amendment to Title 24 are neither effective nor operative until filed with the CBSC, the Department of Housing and Community Development, or the State Historical Building Safety Board, as appropriate. This matter is discussed in more detail in *Local Code Amendment Authority and Requirements* herein.

- 6. Public Access to Code:** Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. Additionally, the action to amend the provisions of Title 24 must be part of the public record.

[References: HSC Section 17958.7 and 18942 available in Appendix 1]

NOTE: Our educational document *It's Your Building Department*, provides considerable information about the requirements of state law applying to local building departments. Access this document at the CBSC website <http://www.bsc.ca.gov> under the *Education* or *Publications* tab.

Local Code Amendment Authority and Requirements

Local government may amend the building standards contained in Title 24 of the California Code of Regulations as provided in state law. The state laws regarding local amendments are specific to the types of buildings and building features, and establish requirements and restrictions for the amendments. In order to determine the requirements applicable to a planned local amendment, the local agency or Fire Protection District must determine which state law applies. Listed separately below, are the requirements under each of the state laws that authorize local amendments.

1. Local Amendments under the California Building Standards Law:

Authority: Health and Safety Code Sections 18941.5, with reference to HSC Section 17958.7, allows for more restrictive local amendments that are reasonably necessary because of local climatic, geological, or topographical conditions. Section 101.7.1 of Part 11 of Title 24, known as the California Green Building Standards Code, provides that local climatic, geological, or topographical conditions include environmental conditions established by the city, county, or city and county.

[References: HSC 18941.5, 17958.5, and 17958.7 available in Appendix 1 and CBC 1.1.8 and 1.8.6 available in Appendix 2.]

Amendment Application: Amendments to Title 24 made under the authority of HSC 18941.5 may apply to any building, or building feature, that is not otherwise subject to another state law listed herein. For example, amendments for

residential buildings, historic buildings, and energy conservation are among the subjects of other state laws and may not be subject to an amendment made under the authority of HSC 18941.5.

Document Requirements: Documents must be expressly marked to clearly identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- Amendments must be more restrictive building standards, including green building standards, than the building standards provided in Title 24.
- The amendment documentation must clearly show that the local governing body made an express finding that amendments to the building standards in Title 24, including green building standards, are reasonably necessary because of local climatic, geological, or topographical conditions. Each amendment must meet these requirements.

Filing Requirements: Local amendments are not effective until copies of the amendment documents meeting the requirements have been filed with the CBSC. Address amendment documents to:

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

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: ordinancefilings@dgs.ca.gov, provided the documents include the ordinance identification and signature of the governing body officials.

The CBSC will acknowledge receipt of amendment documents and review findings in writing. Local amendments accepted for filing will be made available to the public on the CBSC website.

2. Local Amendments under the State Housing Law:

Note: The following discussion does not apply to local amendments regarding Universal Design made pursuant to HSC 17959. Universal Design amendments are discussed separately below.

Amendment Authority: Health and Safety Code Sections 17958, 17958.5 and 17958.7 (State Housing Law) authorizes local amendments to the building standards in Title 24, including green building standards, applying to residential occupancies, including hotels, motels, apartments, and dwellings, and for amendment of HCD regulations in Title 25, Division 1, Chapter 1, Subchapter 1, that are reasonably necessary because of local climatic, geological, or topographical conditions.

Unlike the California Building Standards Law, there is no specific requirement in the State Housing Law that local amendments provide more restrictive building standards, including green building standards, than those contained in Title 24, or more restrictive regulations than those contained in Title 25. However, Title 24 provisions are the minimum standards, thus local amendments must be equivalent or more restrictive, but not less restrictive.

[References: HSC 17958, 17958.5 and 17958.7, available in Appendix 1. Section 1.8.6, Title 24, Part 2 (CBC) is available in Appendix 2.

Amendment Application: Amendments made under the authority of the State Housing Law may apply to only residential occupancies identified in Title 24, Part 2.

Document Requirements: Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- The local governing body has made an express finding that amendments to either the building standards, including green building standards, for residential construction contained in Title 24 are reasonably necessary because of local climatic, geological, or topographical conditions.

Note: See [Information Bulletin 2016-03 \(SHL\)](#) dated May 9, 2016, issued by the Department of Housing and Community Development (HCD) regarding local amendments to the HCD regulations in Title 25, California Code of Regulations. There are specific requirements on how local amendments may be made for Limited-Density Owner-Built Rural Dwellings, and Seismic Retrofit Standards, and filed with HCD. Access the bulletin at the HCD website <http://www.hcd.ca.gov/codes/state-housing-law/>.

Filing Requirements: The local amendments made pursuant to the State Housing Law are not effective until filed with the CBSC. Address amendment documents to:

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

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: ordinancefilings@dgs.ca.gov, provided the documents include the ordinance identification and signature of the governing body officials.

The CBSC will acknowledge receipt of amendment documents and review findings in writing. Local amendments accepted for filing will be made available to the public on the CBSC website.

3. **Local Amendments for Universal Design in Housing:**

Amendment Authority: Health and Safety Code Section 17959 authorizes local ordinances for Universal Design in residential occupancies based on guidelines and the Model Universal Design Model Ordinance developed by HCD. In general, the HCD Model Ordinance applies to new or substantially rehabilitated single-family, duplex, and triplex residential dwellings (except for custom-built homes) that are not otherwise subject to the accessibility requirements in Part 2 of Title 24.

Such a local ordinance for Universal Design may make changes or modifications in addition to or in excess of the accessibility requirements contained in Title 24, but must not provide for less restrictive requirements than provided by any applicable Title 24 provision.

HCD provides the following Universal Design documents:

- HCD Model Universal Design Local Ordinance (AB 2787)
- Housing Accessibility Checklist — (Adobe PDF)
- HCD New Home Universal Design Checklist (AB 1400)

Access these documents are available at the HCD website
<http://www.hcd.ca.gov/codes/state-housing-law/accessibility.html/>

[References: HSC 17958.5, 17959, and 18941.5]

Amendment Document Requirements: Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- The local governing body has based the ordinances on the HCD guidelines or Universal Design model ordinance, or made a finding that the changes and modifications are reasonably necessary and are substantially the same as the HCD guidelines or model ordinance.

Filing Requirements: Local amendments made pursuant to HSC17959 shall not be effective or enforceable until filed with both HCD and CBSC. Address the amendment documents to:

Department of Housing and Community Development
Division of Codes and Standards,
State Housing Law Program
2020 West El Camino Avenue, Suite 250
Sacramento, CA 95833

AND

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936, or submit to CBSC an electronic searchable PDF (Portable Document Format) via the following email address: ordinancefilings@dgs.ca.gov, provided the documents include the ordinance identification and signature of the governing body officials.

Note: A local ordinance adopting Universal Design requirements that do not amend Title 24 building standards need only be filed with HCD.

Local amendments accepted for filing by the CBSC will be made available to the public on the CBSC website.

4. **Local Amendments Under the Fire Protection District Law:**

Authority: Section 13869.7 of the Fire Protection District Law of 1987 (Health and Safety Code, Division 12, Part 2.7), authorizes a local fire protection district to adopt ordinances with fire and panic safety requirements more restrictive than those fire and panic safety provisions in Title 24 shown adopted by the Office of

the State Fire Marshal (SFM). The local ordinance establishing more restrictive fire and panic safety requirements must be limited only to that needed for local climatic, geological, or topographical conditions.

[References: HSC 13869.7 and 18941.5 with reference to HSC 17958.7, available in Appendix 1, and CBC 1.1.8 and 1.8.6, available in Appendix 2.]

Amendment Application: Amendments to Title 24 made under the authority listed above may apply to fire and panic requirements in any building or building feature subject to the provisions of Title 24 shown in the code or Matrix Adoption Tables as adopted by the State Fire Marshal

Document Requirements: Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- The Fire Protection District board made an express finding that amendments to building standards for fire and panic safety in Title 24 are reasonably necessary because of local climatic, geological, or topographical conditions.
- The Fire Protection District presented proposed amendments to the city, county, or city and county where the amendments will apply, for a 30-day review.
- The Fire Protection District obtained the ratification (approval) by the city, county, or city and county where the amendment will apply. The amendments are not effective without the ratification by the city, county, or city and county where the amendment will apply. When ratified, the amendments become effective.

Filing Requirements: The amendment(s) documents must be filed with the Department of Housing and Community Development by the city, county, or city and county where the amendments will apply, along with the adopting ordinance and findings of the city, county, or city and county. Address the amendment documents to:

Department of Housing and Community Development
Division of Codes and Standards,
State Housing Law Program
2020 West El Camino Avenue, Suite 250
Sacramento, CA 95833

5. Local Amendments for Fire and Panic Safety:

Authority: Health and Safety Code Section 13143.5 authorizes local government, other than a Fire Protection District subject to HSC Section 13869.7, to adopt more restrictive local amendments than the fire and panic provisions of Title 24 provide. Additionally, Section 13143.5 (b) and (c) authorizes local amendments to require residential fire sprinkler systems in new housing, or retrofitted existing housing when not otherwise required by Title 24.

[References: HSC 13143.5, 17958.5, 17958.7 and 18941.5, available in Appendix 1]

Amendment Application: Amendments made under the authority of HSC 13143.5(a), may apply to the same residential buildings as are subject to the fire and panic provisions of Title 24. Amendments for residential fire sprinkler systems under the authority of HSC 13143.5 (b) or (c), may apply to new, additions to existing residential buildings, or to existing residential buildings.

Document Requirements: Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.
- The local governing body has made an express finding that the amendments for more restrictive fire and panic safety under HSC13143.5 are reasonably necessary because of local climatic, geological, or topographical conditions.

Filing Requirements: The local amendments made pursuant to HSC 13143.5 (b) and or (c), shall be filed with the CBSC. Address amendment documents to:

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

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: ordinancefilings@dgs.ca.gov, provided the documents include the ordinance identification and signature of the governing body officials.

The CBSC will acknowledge receipt and review findings in writing. Local amendments accepted for filing will be made available to the public on the CBSC website.

6. Local Amendments for Energy Conservation:

Amendment Authority: Public Resources Code Section 25402.1(h)(2) allows more stringent local amendments to the energy conservation provisions in the California Energy Code, Part 6, Title 24, California Code of Regulations. Section 10-106 of Chapter 10, Part 1, Title 24, California Code of Regulations, requires local government to gain approval of a local energy conservation requirement. Local governments must apply to the California Energy Commission(CEC) for approval, documenting the supporting analysis on how the local government has determined that the proposed local standard will save more energy than the current provisions in Part 6, Title 24, and the local government's determination that the local standards are cost-effective.

Once the CEC staff has verified that the local standards will require buildings to use no more energy than the current provisions of Part 6, Title 24, and that all requirements of Section 10-106 are met, the application will be brought before the full CEC for approval. Only those local energy amendments approved by the CEC are lawfully enforceable.

Recommendation: Contact the CEC Building Standards Office before starting the process of adopting local amendments to Part 6 of Title 24. The CEC staff is available to help create the necessary documentation that will meet CEC approval upon application.

CEC Contact: Ingrid Neumann

Email Address: ingrid.neumann@energy.ca.gov

Mailing Address:

California Energy Commission
1516 Ninth Street, MS-37
Sacramento, CA 95814-5512

[References: Public Resources Code Section 25402.1, available in Appendix 1, and Title 24, Part 1, Section 10-106, available in Appendix 2.]

Amendment Application: Amendments to Title 24 made under the authority of Public Resources Code Section 25402.1(h)(2), may, when approved, apply to

any building occupancy subject to the California Energy Code, in Part 6 of Title 24.

Document Requirement: Amendment documents must be expressly marked to identify or demonstrate the following:

- Approval by the California Energy Commission.
- Approval by the local governing body.
- The state law providing the authority for the amendment(s).
- The Title 24 section being amended. The amendments should be discernable from the text of Title 24 not being amended.

Filing Requirements: Amendment documents made under the authority provided in the Public Resources Code must be filed with CBSC. Address printed amendment documents to:

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

Or, submit an electronic searchable PDF (Portable Document Format) via the following email address: ordinancefilings@dgs.ca.gov, provided the documents include the ordinance identification and signature of the governing body officials.

CBSC will acknowledge receipt and review findings in writing. Be advised that filing amendments to Part 6 of Title 24 with the CBSC does not make the amendment lawfully enforceable until approved by the California Energy Commission. Local amendments accepted for filing will be made available to the public on the CBSC website.

7. Local Amendments under the State Historical Building Code:

Authority: Section 18959 of the Health and Safety Code, Division 13, Part 2.7, authorizes local government to make amendments to the building standards for qualified historical buildings in Part 8 of Title 24.

Note: Part 2.7 of Health and Safety Code Division 13, is known as the State Historical Building Code and Part 8 of Title 24, is known as the California Historical Building Code.

[Reference: HSC 18959]

Amendment Application: Amendments under the authority of the Health and Safety Code Section 18959(f), may only apply to qualified historical buildings subject to Part 8 of Title 24.

Document Requirements: Amendment documents must be expressly marked to identify or demonstrate the following:

- The state law providing the authority for the amendment(s).
- The Title 24, Part 8, section being amended.
- The local governing body has made an express finding that the amendments are reasonably necessary because of local climatic, geological, seismic, and topographical conditions. The record of this action must be available as a public record.

Filing Requirements: Local amendments made under the authority provided in the Health and Safety Code Section 18959(f) shall not become effective or operative for any purpose until the finding and amendment documents have been filed with the State Historical Building Safety Board. Address amendment documents to:

Executive Director
State Historical Building Safety Board
Division of the State Architect
1102 'Q' Street, Suite 5100
Sacramento, CA 95811-6550

Causes for CBSC Rejection

The CBSC conducts a review of all received filings of local amendments to Title 24 for compliance with the requirements of Health and Safety Code Section 17958.7 and 18941.5. The CBSC is not authorized by law to evaluate the merits of the express findings of a local government as to the local climatic, geological, or topographical conditions necessitating the amendments. The following are common causes for rejecting an amendment filing.

- The filing documents indicate the adoption of model codes, or amendment to model codes alone. Only Title 24 as published by the CBSC that incorporates model codes, and the related Title 25 regulations of HCD, are subject to adoption and amendment by local government, or a Fire Protection District.

- The amendments are not expressly marked in a manner to distinguish the amendments from the CBSC published text of Title 24.
- The filing documents do not include the required express findings that each amendment is reasonably necessary for local climatic, geological, or topographic conditions, when required by the authorizing state law. Vague generalizations that amendments are necessary of local climatic, geological, and topographic conditions are not adequate.
- There is no evidence by an identification number, signature(s), certification of the city/county clerk, transmittal letter or other reasonable means to validate that the filed amendment documents were the result of a lawful action of the local governing body.

Those filings that meet the requirements of law are posted on the CBSC website as *Local Code Ordinances* under our *Rulemaking* tab. All submitting local governments receive a letter from the CBSC advising of the acceptance of the filing, or identifying the cause for rejection. Rejected filings may be corrected and resubmitted to the CBSC for filing.

Local Administrative Ordinances

Local ordinances and regulations necessary to carryout procedures by a city, county, or city and county relating to civil, administrative, or criminal procedures and remedies available for carrying out and enforcing building standards, and that do not establish building standards may be enacted without meeting the requirements of the state laws cited herein governing Title 24 building standards amendments. Additionally, local ordinances that merely adopt Title 24 by reference without amendments need not be filed with the CBSC, HCD, or SHBSB. Read HSC Section 18909(c) regarding a regulation that is not a building standard.

Appendix 1. Referenced State Laws

Note: Only those state laws pertaining to local amendments to Title 24 discussed within this *Guide for Local Amendments of Building Standards* are provided within this appendix. State laws may be accessed online at the state website <http://leginfo.legislature.ca.gov/>.

Health and Safety Code Section 13143.5. (a) Notwithstanding Part 2 (commencing with Section 13100) of Division 12, Part 1.5 (commencing with Section 17910) of Division 13, and Part 2.5 (commencing with Section 18901) of Division 13, any city, county, or city and county may, by ordinance, make changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety and the other regulations adopted pursuant to this part. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.

(b) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.

(c) Nothing in this section shall authorize a local jurisdiction to mandate, nor prohibit a local jurisdiction from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.

(d) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or new additions to existing dwelling units.

(e) This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.

(f) (1) A city, county, or city and county that adopts an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:

(A) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(B) The chief building official of the city, county, or city and county, or his or her authorized representative.

(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

(g) On or before October 1, 1991, and each October 1 thereafter, the Department of Housing and Community Development, in conjunction with the office of the State Fire Marshal, shall transmit a report to the State Building Standards Commission on the more stringent requirements, adopted by a city, county, or city and county, pursuant to this section or adopted by a fire protection district and ratified pursuant to Section 13869.7, to the building standards relating to fire and panic safety adopted by the State Fire Marshal and contained in the California Building Standards Code. The report shall be for informational purposes only and shall include a summary by the department and the office of the reasons cited as the necessity for the more stringent requirements. The report required pursuant to this subdivision shall apply to any more stringent requirements adopted or ratified on or after January 1, 1991.

(h) All structures governed by Part 2.7 (commencing with Section 18950) of Division 13 are exempt from the permissive authority granted by subdivision (a).

Health and Safety Codes Section 13145. The State Fire Marshal, the chief of any city, county, or city and county fire department or district providing fire protection services, or a Designated Campus Fire Marshal, and their authorized representatives, shall enforce in their respective areas building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the California Building Standards Code and other regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

Health and Safety Code Section 13146. *The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:*

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city, county, or city and county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

Health and Safety Code Section 13196. *The regulations and building standards adopted pursuant to Section 13195 shall be enforced pursuant to Sections 13145 and 13146.*

Health and Safety Code Section 13869.7. *(a) Any fire protection district organized pursuant to Part 2.7 (commencing with Section 13800) of Division 12 may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code. For these purposes, the district board shall be deemed a legislative body and the district shall be deemed a local agency. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.*

(b) Any fire protection district that proposes to adopt an ordinance pursuant to this section shall, not less than 30 days prior to noticing a proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings made pursuant to subdivision (a), to the city, county, or city and county where the ordinance will apply. The city, county, or city and county, may provide the district with written comments, which shall become part of the fire protection district's public hearing record.

(c) The fire protection district shall transmit the adopted ordinance to the city, county, or city and county where the ordinance will apply. The legislative body of the city, county, or city and county, may ratify, modify, or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply. Upon ratification of an adopted ordinance, the city, county, or city and county, shall file a copy of the findings of the district, and any findings of the city, county, or city and county, together with the adopted ordinance expressly marked and identified to which each finding refers, with the Department of Housing and Community Development.

(d) Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.

(e) Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.

(f) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units.

(g) This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.

(h) (1) A city, county, or city and county that ratifies an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:

(A) The chief of the fire protection district that adopted the ordinance, or his or her authorized representative.

(B) The chief building official of the city, county, or city and county, or his or her authorized representative.

(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

Health and Safety Code Section 17950. *The provisions of this part, the building standards published in the State Building Standards Code, or the other rules and regulations promulgated pursuant to the provisions of this part which relate to apartment houses, hotels, motels, and dwellings, and buildings and structures accessory thereto, apply in all parts of the state.*

Health and Safety Code Section 17958. *Except as provided in Sections 17958.8 and 17958.9, any city or county may make changes in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations thereafter adopted pursuant to Section 17922 to amend, add, or repeal ordinances or regulations which impose the same requirements as are contained in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations adopted pursuant to Section 17922 or make changes or modifications in those requirements upon express findings pursuant to Sections 17958.5 and 17958.7. If any city or county does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes or modifications in those requirements upon express findings, the provisions published in the California Building Standards Code or the other regulations promulgated pursuant to Section 17922 shall be applicable to it and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions, and deletions to the California Building Standards Code adopted by a city or county pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.*

Health and Safety Code Section 17958.5. *Except as provided in Section 17922.6, in adopting the ordinances or regulations pursuant to Section 17958, a city or county may make those changes or modifications in the requirements contained in the provisions published in the California Building Standards Code and the other regulations adopted pursuant to Section 17922, including, but not limited to, green building standards, as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions.*

For purposes of this section, a city and county may make reasonably necessary modifications to the requirements, adopted pursuant to Section 17922, including, but not limited to, green building standards, contained in the provisions of the code and regulations on the basis of local conditions.

Health and Safety Code Section 17958.7. *(a) Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or*

topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the California Building Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.

(b) The California Building Standards Commission may reject a modification or change filed by the governing body of a city or county if no finding was submitted.

Health and Safety Code Section 17959. *(a) No later than December 31, 2003, the department shall consider proposed universal design guidelines for home construction or home modifications which may be submitted by the California Department of Aging, the California Commission on Aging, the Department of Rehabilitation, the office of the State Architect of the Department of General Services, the office of the State Fire Marshal, the California Building Standards Commission, or other state departments. Thereafter, the department, without significantly impacting housing cost and affordability, shall, in consultation with these agencies, develop guidelines and at least one model ordinance for new construction and home modifications that is consistent with the principles of universal design as promulgated by the Center for Universal Design at North Carolina State University or other similar design guidelines that enhance the full life cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests in order to accommodate a wide range of individual preferences and functional abilities. In developing these guidelines and model ordinances, the department also shall meet with, and solicit information from, individuals and organizations representing individuals and entities with interests in construction, local governments, the health and welfare of senior citizens and persons with disabilities, architects, and others with expertise in these design and living issues. The department shall ensure that at least three meetings subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of the Government Code) shall occur, that shall include opportunities for government agencies, individuals, and organizations identified in this subdivision to participate and comment on proposed guidelines or draft model ordinances.*

(b) (1) In addition to the authority granted by Sections 17958.5 and 18941.5, and for the purposes of this section, a city, county, or city and county may, by ordinance, make changes or modifications in addition to or in excess of the requirements contained in the California Building Standards Code adopted pursuant to Sections 17922 and 18928 if the city, county, or city and county makes a finding that the changes and modifications are reasonably necessary and are substantially the same as the guidelines or model ordinances adopted pursuant to subdivision (a). In no case shall the changes or modifications be less restrictive than the requirements published in the California Building Standards Code.

(2) A city, county, or city and county adopting an ordinance pursuant to this subdivision shall file a copy of the ordinance and the findings with the department. No such ordinance shall become effective or operative for any purpose until the findings and the ordinance have been filed with the department. The department may review the findings and each ordinance to evaluate their consistency with this subdivision, and shall provide written comments to the adopting entity as to any such evaluation.

(c) (1) In a city, county, or city and county where a universal design ordinance has not been adopted pursuant to subdivision (b), developers of housing for senior citizens, persons with disabilities, and other persons and families are encouraged, but not required, to seek information and assistance from the department and the California Department of Aging regarding the principles of universal design specified in subdivision (a) and consider those principles in their construction.

(2) The department, the California Department of Aging, and any other interested state agency also may, to the extent feasible, disseminate information to interested persons and entities in all parts of the state regarding the principles of universal design and their relationship to new construction and home modifications.

(d) Subdivision (b) shall become operative on January 1, 2005.

Health and Safety Code Section 17960. *The building department of every city or county shall enforce within its jurisdiction all the provisions published in the State Building Standards Code, the provisions of this part, and the other rules and regulations promulgated pursuant to the provisions of this part pertaining to the erection,*

construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings.

Health and Safety Code Section 17961. (a) *The housing or building department or, if there is no building department acting pursuant to this section, the health department of every city, county, or city and county, or any environmental agency authorized pursuant to Section 101275, shall enforce within its jurisdiction all of this part, the building standards published in the State Building Standards Code, and the other rules and regulations adopted pursuant to this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings. The health department or the environmental agency may, in conjunction with a local housing or building department acting pursuant to this section, enforce within its jurisdiction all of this part, the building standards published in the State Building Standards Code, and the other rules and regulations adopted pursuant to this part pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings. Each department and agency, as applicable, shall coordinate enforcement activities with each other and interested departments and agencies in order to avoid unnecessary duplication.*

(b) *Notwithstanding subdivision (a), the health department of every city, county, or city and county, or any environmental agency authorized pursuant to Section 101275 may, in addition to the local building or housing department, if any, enforce within its jurisdiction the provisions of Section 17920.10 and shall coordinate enforcement activities with other interested departments and agencies in order to avoid unnecessary duplication.*

(c) *The State Department of Public Health may enforce Section 17920.10 if any local agency or department specified in subdivisions (a) and (b) enters into a written agreement, approved and published pursuant to local government procedures, with the State Department of Public Health to enforce that section, or provides the State Department of Public Health with a written request to enforce that section for a specific case following the identification of a lead poisoned child in that jurisdiction.*

Health and Safety Code Section 17962. *The chief of any city or any county fire department or district providing fire protection services, and their authorized representatives, shall enforce in their respective areas all those provisions of this part, the building standards published in the State Building Standards Code relating to fire and panic safety, and those rules and regulations promulgated pursuant to the provisions of this part pertaining to fire prevention, fire protection, the control of the spread of fire, and safety from fire or panic.*

Health and Safety Code Section 18938. (a) *Building standards shall be filed with the Secretary of State and codified only after they have been approved by the commission and shall not be published in any other title of the California Code of Regulations. Emergency building standards shall be filed with the Secretary of State and shall take effect only after they have been approved by the commission as required by Section 18937. The filing of building standards adopted or approved pursuant to this part, or any certification with respect thereto, with the Secretary of State, or elsewhere as required by law, shall be done solely by the commission.*

(b) *The building standards contained in the Uniform Fire Code of the International Conference of Building Officials and the Western Fire Chiefs Association, Inc., the Uniform Building Code of the International Conference of Building Officials, Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the National Electrical Code of the National Fire Protection Association, and the Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as referenced in the California Building Standards Code, shall apply to all occupancies throughout the state and shall become effective 180 days after publication in the California Building Standards Code by the California Building Standards Commission or at a later date after publication established by the commission.*

(c) *Except as otherwise provided in this subdivision, an adoption, amendment, or repeal of a building standard shall become effective 180 days after its publication in the triennial edition of the California Building Standards Code or one of its supplements, or at any later date as approved by the California Building Standards Commission, with the exceptions of standards adopted pursuant to Section 25402 of the Public Resources Code*

and those regulations that implement or enforce building standards. Regulations that implement or enforce building standards shall become effective 30 days after filing by the commission with the Secretary of State. This subdivision shall not apply to emergency building standards. An amendment or a repeal of a building standard in the California Building Standards Code that, as determined by the commission, would result in a less restrictive regulation, shall become effective 30 days after filing of the amendment or repeal by the commission with the Secretary of State.

(d) Emergency standards defined in subdivision (a) of Section 18913 shall become effective when approved by the commission, and filed with the Secretary of State, or upon any later date specified therein, and remain in effect as provided by Section 11346.1 of the Government Code and Section 18937 of this code. Emergency standards shall be distributed as soon as practicable after publication to all interested and affected parties. Notice of repeal, pursuant to Section 11346.1 of the Government Code, of emergency standards defined in subdivision (a) of Section 18913 within the period specified by that section, shall also be given to the parties by the affected agencies promptly after the termination of the statutory period pursuant to Section 11346.1 of the Government Code.

(e) This section shall not be applicable to the time limits set forth in Sections 17922 and 17958 for approval of uniform codes and for changes by local agencies in the California Building Standards Code.

Health and Safety Code Section 18941.5. *(a) (1) Amendments, additions, and deletions to the California Building Standards Code, including, but not limited to, green building standards, adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission.*

(2) The publication date established by the commission shall be no earlier than the date the California Building Standards Code is available for purchase by the public.

(b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish more restrictive building standards, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions. The governing body shall make the finding required by Section 17958.7 and the other requirements imposed by Section 17958.7 shall apply to that finding. Nothing in this section shall limit the authority of fire protection districts pursuant to subdivision (a) of Section 13869.7. Further, nothing in this section shall require findings required by Section 17958.7 beyond those currently required for more restrictive building standards related to housing.

Health and Safety Code Section 18942(e) (Only subsection “e” is provided here)

(e) (1) Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. These codes shall be maintained in the office of the building official responsible for the administration and enforcement of this part.

(2) This subdivision shall not apply to a city or county that contracts for the administration and enforcement of the provisions of this part with another local government agency that complies with this section.

Health and Safety Code Section 18959. *(a) Except as otherwise provided in Part 2.5 (commencing with Section 18901), all state agencies shall administer and enforce this part with respect to qualified historical buildings or structures under their respective jurisdiction.*

(b) Except as otherwise provided in Part 2.5 (commencing with Section 18901), all local authorities shall, within their legal authority, administer and enforce this part with respect to qualified historical buildings or structures under their respective jurisdictions where applicable.

(c) The State Historical Building Safety Board shall coordinate and consult with the other applicable state agencies affected by this part and, except as provided in Section 18943, disseminate provisions adopted pursuant to this part to all local building authorities and state agencies at cost.

- (d) Regulations adopted by the State Fire Marshal pursuant to this part shall be enforced in the same manner as regulations are enforced under Sections 13145, 13146, and 13146.5.
- (e) Regular and alternative building standards published in the California Building Standards Code shall be enforced in the same manner by the same governmental entities as provided by law.
- (f) When administering and enforcing this part, each local agency may make changes or modifications in the requirements contained in the California Historical Building Code, as described in Section 18944.7, as it determines are reasonably necessary because of local climatic, geological, seismic, and topographical conditions. The local agency shall make an express finding that the modifications or changes are needed, and the finding shall be available as a public record. A copy of the finding and change or modification shall be filed with the State Historical Building Safety Board. No modification or change shall become effective or operative for any purpose until the finding and modification or change has been filed with the board.

Health and Safety Code Section 19958: *The building department of every city, county, or city and county shall enforce this part within the territorial area of its city, county, or city and county. The responsibility for enforcing Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code in its application under this part shall be by such building department within the territorial area of its city, county, or city and county.*

“Building department” means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings. (Added by Stats. 1969, Ch. 1560.)

Note: The word “part” in HSC 19958 is referencing Part 5.5, of Division 13, to the Health and Safety Code, entitled Access to Public Accommodations by Physically Handicapped Persons.

Government Code Section 4453(b). *The responsibility for enforcement of this chapter shall be as follows:*

- (a) *By the Director of the Department of General Services where state funds are utilized for any project or where funds of counties, municipalities, or other political subdivisions are utilized for the construction of elementary, secondary, or community college projects.*
- (b) *By the governing bodies thereof where funds of counties, municipalities, or other political subdivisions are utilized except as otherwise provided in (a) above.*

Public Resources Code Section 25402.1 (g) *(only subsection “g” is shown here).*

- (g) *Subdivisions (a) and (b) of Section 25402 and this section, and the rules and regulations of the commission adopted pursuant thereto, shall be enforced by the building department of every city, county, or city and county.*
- (1) *No building permit for any residential or nonresidential building shall be issued by a local building department, unless a review by the building department of the plans for the proposed residential or nonresidential building contains detailed energy system specifications and confirms that the building satisfies the minimum standards established pursuant to subdivision (a) or (b) of Section 25402 and this section applicable to the building.*
- (2) *Where there is no local building department, the commission shall enforce subdivisions (a) and (b) of Section 25402 and this section.*
- (3) *If a local building department fails to enforce subdivisions (a) and (b) of Section 25402 and this section or any other provision of this chapter or standard adopted pursuant thereto, the commission may provide enforcement after furnishing 10 days’ written notice to the local building department.*
- (4) *A city, county, or city and county may, by ordinance or resolution, prescribe a schedule of fees sufficient to pay the costs incurred in the enforcement of subdivisions (a) and (b) of Section 25402 and this section. The commission may establish a schedule of fees sufficient to pay the costs incurred by that enforcement.*
- (5) *No construction of any state building shall commence until the Department of General Services or the state agency that otherwise has jurisdiction over the property reviews the plans for the proposed building and certifies that the plans satisfy the minimum standards established pursuant to subdivision (a) or (b) of Chapter*

2.8 (commencing with Section 15814.30) of Part 10b of Division 3 of Title 2 of the Government Code, Section 25402, and this section which are applicable to the building.

Government Code Section 55.53(d) (only subsection (d) (1) and (2) are provided here). (d) (1) Commencing July 1, 2010, a local agency shall employ or retain at least one building inspector who is a certified access specialist. The certified access specialist shall provide consultation to the local agency, permit applicants, and members of the public on compliance with state construction-related accessibility standards with respect to inspections of a place of public accommodation that relate to permitting, plan checks, or new construction, including, but not limited to, inspections relating to tenant improvements that may impact access. If a local agency employs or retains two or more certified access specialists to comply with this subdivision, at least one-half of the certified access specialists shall be building inspectors who are certified access specialists.

(2) Commencing January 1, 2014, a local agency shall employ or retain a sufficient number of building inspectors who are certified access specialists to conduct permitting and plan check services to review for compliance with state construction-related accessibility standards by a place of public accommodation with respect to new construction, including, but not limited to, projects relating to tenant improvements that may impact access. If a local agency employs or retains two or more certified access specialists to comply with this subdivision, at least one-half of the certified access specialists shall be building inspectors who are certified access specialists.

Appendix 2. Referenced State Regulations and Building Standards

Note: Only those state regulations pertaining to local amendments to Title 24, or Title 25, discussed within this *Guide for Local Amendments of Building Standards* are provided within this appendix. State regulations may be accessed online at the state website <http://www.oal.ca.gov/> .

California Code of Regulations, Title 24, Part 1, Chapter 10, Section 10-106. LOCALLY ADOPTED ENERGY STANDARDS

(a) *Requirements.* Local governmental agencies may adopt and enforce energy standards for newly constructed buildings, additions, alterations, and repairs to existing buildings provided the Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by Title 24, Part 6. (b) *Documentation Application.* Local governmental agencies wishing to enforce locally adopted energy standards shall submit an application with the following materials to the Executive Director: 1. The proposed energy standards;. 2. The local governmental agency's findings and supporting analyses on the energy savings and cost effectiveness of the proposed energy standards;. 3. A statement or finding by the local governmental agency that the local energy standards will require buildings to be designed to consume no more energy than permitted by Part 6; and. 4. Any findings, determinations, declarations or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Pub. Resources Code Section 21000 et seq. NOTE: Authority: Section 25402.1, Public Resources Code.

California Code of Regulations, Title 24, Part 2, (California Building Code) Section 1.1.3. Scope.

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the State of California. 1.1.3.1 Nonstate-regulated buildings, structures and applications. Except as modified by local ordinance pursuant to Section 1.1.8, the following standards in the California Code of Regulations, Title 24, Parts 2, 2.5, 3, 4, 5, 6, 9, 10 and 11 shall apply to all occupancies and applications not regulated by a state agency.

Note: Subsection 1.1.3.2 regarding state-regulated buildings is not shown.

California Code of Regulations, Title 24, Part 2, (California Building Code) Section 1.1.8. City, county, or city and county amendments, additions or deletions. The provisions of this code do not limit the authority of city, county, or city and county governments to establish more restrictive and reasonably necessary differences to the provisions contained in this code pursuant to complying with Section 1.1.8.1. The effective date of amendments, additions or deletions to this code by a city, county, or city and county filed pursuant to Section 1.1.8.1 shall be the date filed. However, in no case shall the amendments, additions or deletions to this code be effective any sooner than the effective date of this code. Local modifications shall comply with Health and Safety Code Section 18941.5 for Building Standards Law, Health and Safety Code Section 17958 for State Housing Law or Health and Safety Code Section 13869.7 for Fire Protection Districts.

1.1.8.1 Findings and filings.

1. The city, county, or city and county shall make express findings for each amendment, addition or deletion based upon climatic, topographical or geological conditions.

Exception: Hazardous building ordinances and programs mitigating unreinforced masonry buildings.

2. The city, county, or city and county shall file the amendments, additions or deletions expressly marked and identified as to the applicable findings. Cities, counties, cities and counties, and fire departments shall file the

amendments, additions or deletions, and the findings with the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833.

3. Findings prepared by fire protection districts shall be ratified by the local city, county or city and county and filed with the California Department of Housing and Community Development, Division of Codes and Standards, P. O. Box 1407, Sacramento, CA 95812-1407 or 2020 West El Camino Avenue, Suite 250, Sacramento, CA 95833- 1829.

1.1.8.2 Locally adopted energy standards – California Energy Code, Part 6 In addition to the provisions of Section 1.1.8.1 of this Part, the provisions of this section shall apply to a city, county, and city and county adopting local energy standards applicable to buildings and structures subject to the California Energy Code, Part 6.

Applicable provisions of Public Resources Code Section 25402.1(h)(2) and applicable provisions of Section 10-106, Chapter 10 of the California Administrative Code, Part 1 apply to locally adopted energy standards amending the California Energy Code, Part 6.

California Code of Regulations, Title 24, Part 2, (California Building Code) Section 1.8.6. Local Modification by Ordinance or Regulation.

1.8.6.1 General. Subject to other provisions of law, a city, county, or city and county may make changes to the provisions adopted by the Department of Housing and Community Development. If any city, county, or city and county does not amend, add or repeal by local ordinances or regulations the provisions published in this code or other regulations promulgated by the Department of Housing and Community Development, those provisions shall be applicable and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions and deletions to this code adopted by a city, county, or city and county pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5, together with all applicable portions of this code, shall also become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.

1.8.6.2 Findings, filings and rejections of local modifications. Prior to making any modifications or establishing more restrictive building standards, the governing body shall make express findings and filings, as required by California Health and Safety Code Section 17958.7, showing that such modifications are reasonably necessary due to local climatic, geological, or topographical conditions. No modification shall become effective or operative unless the following requirements are met:

1. The express findings shall be made available as a public record.
 2. A copy of the modification and express finding, each document marked to cross-reference the other, shall be filed with the California Building Standards Commission for a city, county, or city and county and with the Department of Housing and Community Development for fire protection districts.
 3. The California Building Standards Commission has not rejected the modification or change.
- Nothing in this section shall limit the authority of fire protection districts pursuant to California Health and Safety Code Section 13869.7(a)

Appendix 3. CBSC Educational Publications

The California Building Standards Commission has developed a variety of educational materials and publications that are available on the CBSC website

<http://www.bsc.ca.gov/>. The materials may be accessed at no cost and read online or printed for your use and distribution. Look on our website home page and under the *Education* or *Publications* tabs for the following materials.

- How to Use our Website
- Glossary of Terms
- Frequently Asked Questions
- Code Book Fundamentals
- Guide to Title 24 (2013 & 2010 editions)
- Guide to the (Non-Residential) 2013 California Green Building Standards Code
- Guide to California Green Building Standards Code, Non-Residential (Commissioning)
- It's Your Building Department (For Local Jurisdictions)
- Accessing State Regulations Online
- Accessing State Laws Online
- Accessing State Legislation Online
- Guide for Creating Proposed Building Standards (For State Agencies)
- Guide to Filing Permit Surcharge Fees (Green Fees)
- Building Standards Information Bulletins
- CALCode Quarterly, an e-publication online newsletter
- Zero-Emission Vehicles in California: Community Readiness Guidebook (Published by the Governor's Office of Planning and Research)
- Local Filings of Code Amendment –Webinar via YouTube and a Webinar slide presentation (pdf)

IT'S YOUR BUILDING DEPARTMENT!

Important Information for Elected Officials and Executive Managers of Local Government



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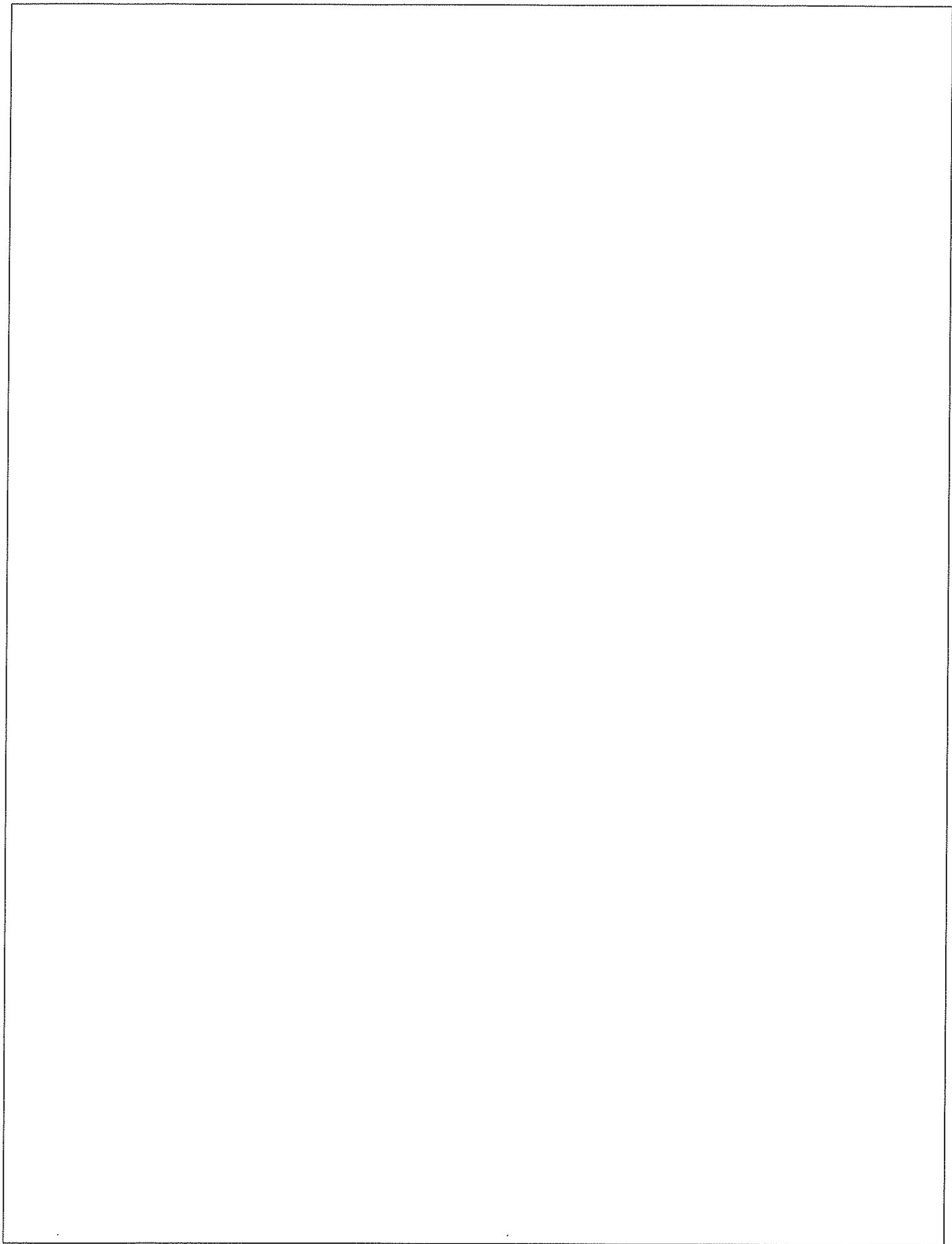


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CHAPTER 1: INTRODUCTION

This booklet was developed and is distributed by the California Building Standards Commission with the purpose of assisting elected officials and executive managers of city and county governments to understand the responsibilities of their building department that are established in state law. In the discussions to follow we will identify many mandates of state laws regarding the responsibilities of the local building department, required personnel training and certifications, usage of building permit revenues, introduction of the California Building Standards Code (California Code of Regulations, Title 24) with statewide application, and more.

The information in this booklet should help to better prepare and manage your building department for the purpose of assuring healthy, safe, sustainable, and accessible buildings and grounds in your community. Most all information herein applies to both general law and charter cities.

The Building Standards Commission's website makes available other information and training materials for use by local government. Find the following at our website

<http://www.bsc.ca.gov>:

- Guide to Title 24
- Guide to the CALGreen Code
- Frequently Asked Questions
- Glossary of Terms
- Guide for Local Amendments and Filings of Building Standards
- Guide to Filing Permit Surcharge Fees
- Accessing State Laws Online
- Accessing State Regulations Online
- Accessing State Legislation Online

CHAPTER 2: WHY A BUILDING DEPARTMENT IS NECESSARY

The simple answer is that state law requires every city, county, or city and county, to enforce state law mandating specific requirements for buildings, and to enforce the California Building Standards Code in Title 24, California Code of Regulations. The traditional means for local government to carry out this enforcement mandate is to have a building department. There are several other mandates of state law that will be discussed in this booklet. Notwithstanding the requirements of state law, your community will want safe, accessible, efficient and sustainable buildings within its community.

The California legislative process has resulted in state laws with the intent of ensuring that new and existing buildings provide cost efficient operation, safeguard the environment, and provide safe, healthy, and accessible environments for human occupancy and habitation. There are laws regarding historical buildings requiring present day safety and accessibility, while preserving the historical significance. There are laws addressing the thousands of unreinforced masonry buildings that were constructed at a time when resistance to seismic motion was not a major consideration. Cities and counties within the coastal regions of California are required by state law to identify all potentially hazardous buildings and to establish a program for the mitigation of those buildings identified as potentially hazardous.

Over the past several decades, a number of changes have occurred that present challenges for designers and owners of buildings, and a local building department. For one, the Americans with Disabilities Act of 1990 (ADA), a federal law, is now over 23 years of age. While the ADA and its implementing federal standards apply to new construction, the standards also apply to preexisting buildings when repaired, altered or added to. There are thousands of retail, office and assembly buildings that were constructed prior to the passage of the ADA. California has enacted laws and building standards for accessibility in new and existing buildings that are intended to be equal to or more restrictive than the federal ADA and ADA Standards. Your

building department personnel must be trained and ready to work with designers and property owners wishing to renovate or change the use of a preexisting building and incorporate accessibility improvements as provided in the ADA and California law, and the building standards in Title 24. These accessibility laws and codes provide specific requirements and exceptions for preexisting buildings and historical buildings. When the standards are applied incorrectly, enormous unnecessary costs may result, or the opposite, accessibility may not be provided where it should be.

There are separate federal and California laws and building standards that apply to multifamily dwellings and publicly funded housing. These accessibility requirements apply to new construction, and to some projects at existing multifamily dwellings constructed after March 13, 1991. Multifamily dwellings constructed after that date may be subject to current accessibility standards when new common areas or additions are made. Only personnel trained and certified in the accessibility laws and building standards will be able to apply the standards correctly.

The laws establishing accessibility requirements in public buildings and multifamily dwellings are structured to provide that accessibility is a civil right, and the failure to provide accessibility is an act of discrimination that will likely result in costly litigation.

Energy efficiency standards (Part 6, Title 24, California Code of Regulations) did not exist for thousands of buildings built in the 1970s and before. The need for energy conservation has increased such that the energy standards have become more and more restrictive with each edition of the code every three years. Mandatory green building standards (Part 11 of Title 24, California Code of Regulations) became effective on January 1, 2011, imposing new requirements on construction sites, material selection, water conservation, and more, necessitating training in a whole new code and way of thinking for the design professions, builders, and your building department personnel responsible for enforcement.

We have mentioned only a few of the important laws and building standards to be enforced by your building department. Only a properly staffed and trained building

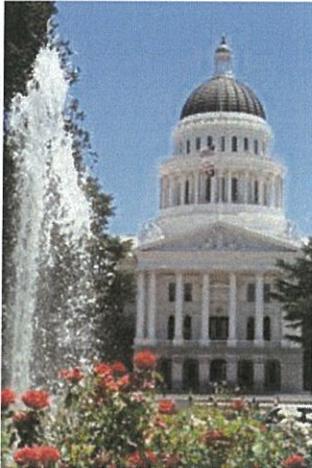
department is able to effectively carry out activities to accomplish the intent of federal and state law, and the building standards adopted to implement requirements of law. In the next chapter of this booklet we will introduce the various state laws that relate to the operation of a building department and the design, construction and use of buildings. We will also introduce some important state regulations required to be enforced by local government. Later in this booklet we will introduce several important mandates of state law that are to be enforced by local government.

CHAPTER 3: THE STATE LAWS AND REGULATIONS

In this chapter we will first introduce state laws and state regulations in general and how to access them using the state's websites. Thereafter we will provide the identification of the various state laws and regulations relating to the operation of a local building department along with an abbreviated description. The referenced state laws are available at the state website

<http://leginfo.legislature.ca.gov/faces/codes.xhtml> . Referenced state regulations are available at the Office of Administrative Law website <http://www.oal.ca.gov>. See the Note on the following page for an exception regarding the availability of Title 24.

Introduction of State Laws:



California state laws are enacted through California's legislative process involving the State Senate and Assembly of the legislative branch of state government, and the Governor and Secretary of State in the executive branch of state government. The laws are divided into 29 separate codes, each with an identifying name. A listing of the 29 codes of state law is available at the state website

<http://leginfo.legislature.ca.gov/faces/codes.xhtml> . The

Health and Safety Code, Government Code, Penal Code, Civil Code and Public Resources Code are just five examples of the names used to identify the codes among the 29 codes of state laws.

Introduction of State Regulations:

State regulations are promulgated by agencies of the Executive Branch of state government for the purpose of interpreting, implementing, clarifying and carrying out the intent of state law. The regulations are contained in the **California Code**

of Regulations available at the Office of Administrative Law website



<http://www.oal.ca.gov> (see the Note on the following page for an exception regarding Title 24). The California Code of Regulations is subdivided into 28 separate title numbers, i.e. Title 1, 2, 3 etc. Each title number is also given a name. For example, Title 13 is titled Motor Vehicles and Title 19 is titled Public Safety. Most titles reveal the general subject of the regulations. Some titles are reserved for the regulations of just one state agency, like Title 24 for the California Building Standards Commission and Title 25 for the Department of Housing and Community Development.

Note: Title 24 is reserved for building standards published by the California Building Standards Commission but are not available at the website of the Office of Administrative Law. To access Title 24 online, go to the California Building Standards Commission website <http://www.bsc.ca.gov>. This is discussed in more detail later.

Now let's talk about some specific California laws regarding a building department.

Health and Safety Code: The Health and Safety Code is one of the 29 codes that make up California state law enacted through California's legislative process. The Health and Safety Code contains in excess of 130,000 sections organized into divisions. Divisions 12 and 13 include provisions regarding the design, construction, use and maintenance of buildings. The discussions throughout this booklet often times include references to various provisions of the Health and Safety Code. It may have the most requirements relating to buildings than all the other 28 codes of state law. The mandate for several state agencies to develop building standards and for local government to enforce building standards is found in the Health and Safety Code.

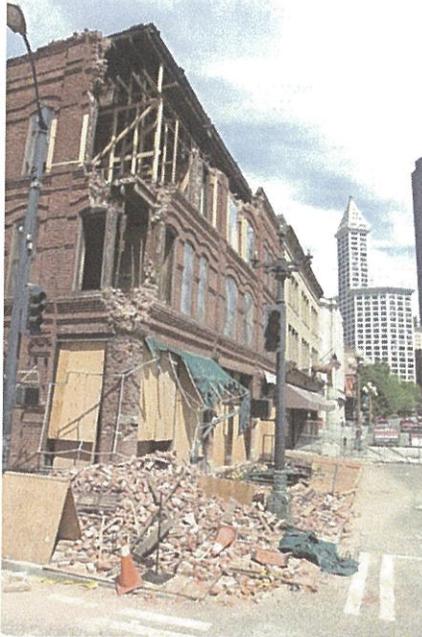
California Building Standards Law: This name refers to the portion of state law within Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901. The provisions of Part 2.5 govern the work of the California Building Standards Commission and how the building standards are to be adopted and published. It also mandates that California Building Standards Code, in Title 24 of the California Code of Regulations, applies to all building occupancies throughout the state.

State Housing Law: This name refers to the portion of the Health and Safety Code in Division 13, Part 1.5, commencing with Section 17910. It establishes responsibilities for the Department of Housing and Community Development and the Office of the State Fire Marshal to develop building standards for housing structures, including hotels, motels, lodging houses, apartments, condominiums and dwellings. It also mandates enforcement of the State Housing Law provisions and the building standards adopted pursuant to the State Housing Law, by every city, county, or city and county within this state.

Government Code: The Government Code is another of the 29 codes of California state laws. Sections 4450 through 4460 in a portion of the Government Code titled Access to Public Buildings by Physically Handicapped Persons, establishes requirements for building accessibility. The provisions establish the authority for the California Division of the State Architect (DSA) to develop building standards and regulations for publicly funded buildings, publicly funded sidewalks and curbs, public accommodations, and commercial facilities. The building standards for accessibility developed by DSA are located in Title 24 of the California Code of Regulations, known as the California Building Standards Code, to be discussed later.

Note: Health and Safety Code, Sections 19952 through 19959, establishes the requirement for accessibility in privately owned buildings open to the public, and for DSA to develop the building standards for accessibility in such buildings.

Earthquake Protection Law: There are two state laws to be aware of that address buildings and their resistance to earthquakes. The first is known as the Earthquake Protection Law, the portion of the Health and Safety Code in Division 13, Part 3, commencing with Section 19100. The law establishes the requirement that all buildings be designed to resist lateral forces from seismic motion, and allows local government to enact local requirements to mitigate the risk from existing buildings, such as unreinforced masonry buildings and others not designed in consideration of seismic motion.

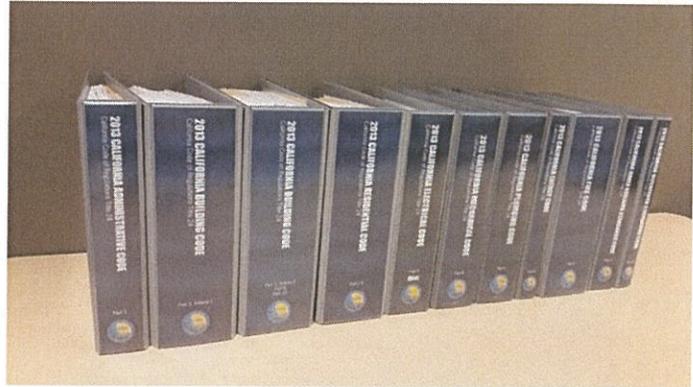


The other state law regarding earthquake safety is in Government Code, Title 2, Chapter 12.2, commencing with Section 8875. This law requires cities and counties to identify potentially hazardous buildings, as defined, and establish a local mitigation program. Further, the owner of a building identified as a potentially hazardous building must post a written notice in a conspicuous location to warn the public as to the potential hazard during an earthquake.

*Now let's identify some
regulations that implement
state laws regarding
buildings and building*

California Building Standards Code: This name refers to the building standards located in the 12 Parts of Title 24 of the California Code of Regulations as published by the California Building Standards Commission. The 12 Parts of Title 24 published

11 binders are shown in the photograph to the right. The building standards are state regulations developed by various state agencies in the Executive Branch of state government. The building standards govern the design and construction of



buildings, building equipment and accessories. Some of the state agencies that develop the building standards for Title 24 that apply to buildings subject to local government enforcement include the Division of the State Architect, Office of the State Fire Marshal, Department of Housing and Community Development, Office of Statewide Health Planning and Development, and Building Standards Commission.

Note: The Building Standards Commission provides a [Guide to Title 24](#) explaining the application and use of Title 24. It is available at the Commission's website <http://www.bsc.ca.gov>. It may be read online, or printed, at no cost. Building department personnel should have the *Guide to Title 24* for study and reference.

State Housing Law Regulations: This is the name given to Chapter 1, Title 25 of the California Code of Regulations. The provisions are adopted by the California Department of Housing and Community Development in order to implement,



interpret, clarify, and carry out the provisions of the State Housing Law in Health and Safety Code, Division 13, Part 1.5. The provisions relate to the construction, use, maintenance, and change of occupancy of all hotels, motels, lodging houses, condominiums, apartment houses and dwellings.

State Historical Building Code. This is the name given the state law in Health and Safety Code, Division 13, Part 3, commencing with Section 18950. The intent of this law is to provide means for the preservation of historical buildings while providing reasonable safety from fire, seismic forces and availability and usability by persons with disabilities. This law establishes the State Historical Building Safety Board that develops the building standards for historical buildings. The standards are found in Part 8 of Title 24, California Code of Regulations, and are named the California Historical Building Code.



This chapter has provided only a brief introduction to state laws and regulations relating to buildings. In Chapter 4 to follow we will provide several specific mandates in state law applying to local government.

CHAPTER 4: MANDATES FOR LOCAL GOVERNMENT

The following are some of the most important mandates of state laws regarding the operation and responsibilities of a local building department. Our descriptions are abbreviated so we ask that you refer to the referenced law or regulation for the complete language.

1. Must enforce state laws and Title 24 building standards.

a. The Building Department of every city, county or city and county shall enforce the following:

- Specified provisions of the California Building Standards Law in Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901, and the implementing building standards in Title 24, California Code of Regulations, known as the California Building Standard Code.

Reference: Health and Safety Code Sections 17960, 17961 & 18948.

- State Housing Law (Health and Safety Code, Division 13, Part 1.5), and implementing regulations of Title 25, Chapter 1, pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of hotels, motels, lodging houses, condominiums, apartment houses and dwellings.

Reference: Health and Safety Code Section 17960.

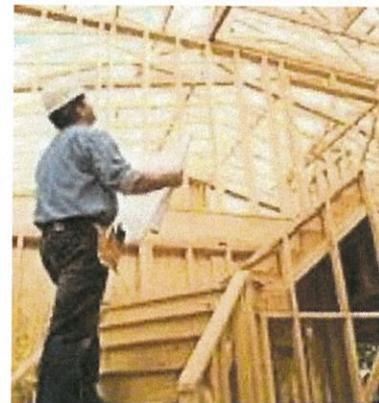
- The earthquake protection laws applicable to hazardous buildings, seismic retrofitting, seismic gas shutoff devices, water heater bracing , posting of buildings that are potentially dangerous during seismic motion, and more.

Reference: Health and Safety Code in Division 13, Part 3, commencing with Section 19100, and Government Code, Title 2, Chapter 12.2, commencing with Section 8875.



The standard means of carrying out enforcement of building standards is to perform plan review and inspections. Plan review, or plan examination, is a process of reading the plans prior to permit issuance to observe that the plans will result in a building complying with requirements applying to structural safety, energy conservation, green technology, accessibility, and with complying plumbing, electrical and mechanical systems and equipment. The plan submitter, often a design professional, is provided a written report of the compliance issues and required corrections to the plans and specifications. The plan reviews must be performed by personnel trained and certified or licensed for the work. Registered structural engineers, civil engineers, and architects that have been trained in the building code should perform the review of the structural plans and supporting calculations. The other subjects may be reviewed by Certified Plan Examiners, or registered structural engineers, civil engineers, and architects.

Inspections during the various construction phases are to be performed by personnel holding a building inspection certification issued by the International Association of Electrical Inspectors, International Association of Plumbing and Mechanical Officials, International Code Council, National Fire Protection Association, or similar organizations. Personnel qualifications are discussed in more detail in Chapter 6, Suggested Personnel Qualifications.



2. Must file local code requirements with the state.

While state law requires local government to enforce Title 24, California Code of Regulations, the law allows local government to enact local requirements, often called local amendments to Title 24. These local amendments must be based on local climatic, geological, or topographical conditions. When a city, county, or city and county enacts local amendments, a copy of the local amendment along with an express finding that such amendment(s) is reasonably necessary because of local climatic, geological, or topographical conditions, must be filed with the California Building Standards Commission. No local amendment is enforceable unless filed with the California Building Standards Commission. However, if the amendment is by a local fire protection district, it must be ratified by the local legislative body and filed with the California Department of Housing and Community Development.

Assistance with enacting and filing of local amendments is available at the Commission's website <http://www.bsc.ca.gov/>. *Our Guide for Local Amendments and Filings of Building Standards* is available at no cost and provides information that is essential for enacting local amendments to Title 24. Our website also provides access to all city and county local amendments accepted by the Commission.

Reference: Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5

3. Permit fees are for code enforcement and designated purposes.

a. Every city, county or city and county may establish fees to offset the cost of enforcement of the building codes. Such fees for permits and enforcement activities shall not be levied for general revenues.

Reference: Health and Safety Code Sections 17951 and 19132.3.

b. Every city, county or city and county shall return fees paid for inspection if the inspection is not performed within 60 days of the request for inspection.

Reference: Health and Safety Code Section 17951 (d)

c. Each city, county and city and county shall collect a fee from the applicant for a building permit to be remitted to the California Building Standards Commission. The fee shall be at the rate of \$4 per one hundred thousand dollars of building valuation, but not less than \$1.

Note: Available at our website is a *Guide for Filing Permit Surcharge Fees*.

Reference: Health and Safety Code Section 18931.6.

4. Must employ certified personnel.

State law requires the personnel of a local building department to be certified for the code enforcement work to be performed. This matter is also discussed in Chapter 5 herein.

Reference: Health and Safety Code Sections 18949.25 through 18949.31

5. Personnel must have continuing education.

State law requires each building official, plan examiner, and building inspector to obtain 45 hours of qualified continuing education in each three year period with at least 8 hours regarding disabled access requirements. This matter is also discussed in Chapter 5 herein.

Reference: Health and Safety Code Sections 18949.25 through 18949.31.

6. Must not have excessive plan review backlogs.

When plan checking of residential plans requires more than 30 days, or 50-days for all other buildings, the building department shall make available plan checking by private plan checking entities.

Reference: Health and Safety Code Sections 17960.1 and 19837.

7. Must have appeals board.

a. Every city, county or city and county shall have a **local appeals board** to hear appeals regarding the building requirements.

Reference: Health and Safety Code Section 17920.5. Alternatives are provided.

b. Every city, county or city and county shall have a **housing appeals board** to hear matters relating to the use, maintenance, and change of occupancy of hotels, motels, lodginghouses, apartment houses, condominiums and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, and demolition.

Reference: Health and Safety Code Section 17920.6. Alternatives are provided.

8. Must have local soil report ordinance.

Each city, county, and city and county shall enact an ordinance which requires a preliminary soil report by a registered civil engineer of every subdivision, where a tentative and final map is required pursuant to Section 66426 of the Government Code.

Reference: Health and Safety Code Section 17953 through 17957.
Exceptions are provided.

9. Must have codes on hand.

Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations.

Reference: Health and Safety Code Section 18942(e).

10. Must maintain building plans.

The building department of every city, county, or city and county shall maintain an official copy, which may be on microfilm or other type of photographic copy, of the plans of every building, during the life of the building, for which the building department issued a building permit.

Reference: Health and Safety Code Section 19850 and 19851. Exceptions are provided.

In this chapter we have listed just 10 examples of mandates in state law applying to the operation of a local building department. There are many other requirements in law specific to buildings that must also be enforced by the local building department. There are requirements regarding use of materials, Carbon Monoxide devices, water saving toilets and urinals, methods of construction, relocated buildings and more. Many requirements have been incorporated into the building standards of Title 24, California Code of Regulations.

Building departments must be aware of the requirements of state law relating to the design, construction, use and maintenance of buildings and accessories to buildings. Generally, reference Health and Safety Code, Division 13, Parts 1.5, 2, 2.1, 2.3, 3, which are all available at the state website <http://www.leginfo.ca.gov/>.

CHAPTER 5: REQUIRED PERSONNEL CERTIFICATION AND TRAINING

Certification: Health and Safety Code Section 18949.28 reads in part, "*All construction inspectors, plans examiners and building officials who are not exempt from the requirements of this chapter pursuant to subdivision (b), or previously certified, shall complete one year of verifiable experience in the appropriate field, and shall, within one year thereafter, obtain certification from a recognized state, national, or international association, as determined by the local agency.*" Subdivision (b) exempts employees who were employed two years before the enactment of Section 18949.28 (added by Chapter 623 of the 1995 Statutes, effective January 1, 1996).



The subject of the certification(s) shall be closely related to the primary job function, as determined by the employing local agency. There are numerous certifications to attest to a person's skills and knowledge necessary to perform building plan examination, and building inspection. In the discussion to follow about training, is a listing of some entities offering certification by examination.

California licensed architects and engineers performing plan examination, construction inspections, or building official duties are exempted from the Certification requirements of Health and Safety Code Section 18949.28. However, it is a good practice to require engineers and architects to have training in building codes.

California Civil Code Section 55.53 requires local government to employ or retain the services of at least one building inspector who is a Certified Access Specialist on and after July 1, 2010. The Division of the State Architect administered the Certified Access Specialist program, including the examination, pursuant to Government Code Section 4459.5. Further, this state law requires that a sufficient number of

building plan examiners and inspectors are employed or retained to carry out plan reviews and inspections for enforcement of accessibility codes by July 1, 2014.

Reference: Health and Safety Code Sections 18949.28, Civil Code Section 55.53 and Government Code Sections 4459.5 through 4459.8 for the details on required Certified Access Specialist program. Considerable information about the Certified Access Specialist program is available at the Division of State Architect website <http://www.dgs.ca.gov/dsa/Programs/programCert/casp.aspx>

Training: Training is essential to the professional and efficient operation of a building department in order to serve the public appropriately. And, state law in Health and Safety Code Section 18949.29 requires 45 hours of continuing education every three years (also discussed briefly in Chapter 4 of this booklet). Eight of those hours must be in subjects relating to accessibility requirements.



There are a number of organizations and associations that provide training and certification by examination on building codes and related subjects such as how to conduct inspections, material tests, plan review and more. Training is available in the form of seminars, online classrooms, and workbooks with lessons and exercises. There are also several colleges offering courses on building codes.

The following is a listing of some organizations where training is available.

- CALBO (California Building Officials). <http://www.calbo.org>
- International Association of Electrical Inspectors. <http://www.iaei.org>
- International Association of Plumbing and Mechanical Officials (IAPMO). <http://www.iapmo.org>
- International Code Council (ICC). <http://www.iccsafe.org>

- Individual Chapters of the ICC. A listing of chapters in California is available at the ICC website. Each chapter is independent and may have different educational programs. Many chapters have websites.
- National Fire Protection Association. <http://www.nfpa.org>

The IAEE, IAPMO, ICC and NFPA offer certification by examination programs.

On an as needed basis, the state agencies such as the California Building Standards Commission, Department of Housing and Community Development and Division of the State Architect, offer training on subjects within their respective jurisdictions. Training opportunities are announced in industry newsletters, the agency's website, and by the organizations discussed above.



Health and Safety Code Section 18949.31 requires the employing local government to bear the cost of the required certifications and continuing education. Further, this state law allows a local government to adjust building permit fees to cover the cost of the certification and education of personnel.

CBSC recommendation: Maintain a record of each building department employee that identifies training needed to perform assigned duties, provide courteous and efficient public service, and satisfy the continuing education requirements of Health and Safety Code Section 18949.29, and Civil Code Section 55.53. The record should include a listing of completed training.

CHAPTER 6: SUGGESTED PERSONNEL QUALIFICATIONS

The search for and selection of qualified personnel is a critically important task for any employer, including governmental agencies. Personnel hired to perform building permit issuance, plan review, building inspection, and management of the building department operations, must have appropriate training and experience. The hiring decision is critically important and has impact on public service and public safety. For these reasons the CBSC provides the following suggested guidelines.

1. Building Official and Assistant Building Official

Desirable Experience Pattern:

- Experience in the administration of a building department and,
- Experience as a building inspector and plans examiner and or,
- Experience as a licensed architect or engineer, performing duties within a building department
- Experience as a builder

Desirable Education:

- High School
- College
- Or the equivalent by training and experience

Desirable Credentials:

- Certified as a Building Official or Code Administrator by the IAPMO, ICC or other appropriate organization.
- Certifications as an inspector, and/or plans examiner
- Engineers and Architects should be licensed in California and hold additional IA EI, IAPMO, ICC, or NFPA certifications as may apply

2. Plans Examiner

Desirable Experience Pattern:

- experience as building inspector, architect, or engineer
- experience as a builder

- experience with preparation of building plans

Desirable Education:

- High School.
- Community college degree in Building Inspection Technology
- College

Desirable Credentials:

- Certifications in the Building, Plumbing, Electrical, and Mechanical Codes, or a Combination Certification, issued by the IA EI, IAPMO, ICC, NFPA or other appropriate organization.
- Certified by the Division of the State Architect as a Certified Access Specialist

3. Senior Building Inspector

Desirable Experience Pattern:

- Experience in the administration of a building department and or,
- five years of experience as a building inspector with some plans examination experience
- Experience with the preparation of building plans

Desirable Education:

- High School or more
- Community college degree in Building Inspection Technology

Desirable Credentials:

- Certifications in the Building, Plumbing, Electrical, Mechanical Codes, accessibility, and energy codes issued by the IA EI, IAPMO, ICC, NFPA, or other appropriate organization
- Certified by the Division of the State Architect as a Certified Access Specialist

3. Building Inspector (Entry Level)

Desirable Experience Pattern:

- Experience as a builder or in the building trades
- Experience with construction plans

Desirable Education:

- High School.
- A community college degree in Building Inspection Technology is highly desirable.

Desirable Credentials:

- Certifications in the Building, Plumbing, Electrical, and Mechanical Codes, or a Combination Certification, issued by the IAEL, IAPMO, ICC, NFPA or other appropriate organization.

Note: Health and Safety Code Section 18949.28, allows certification(s) as deemed appropriate by the employing building department to be obtained by the employee within one-year of employment.

5. Building or Permit Technician

Desirable Experience Pattern:

- Administrative duties within a building department

Desirable Minimum Education:

- High School
- Training on building permit issuance

Desirable Credentials:

- Permit or Building Technician certification by the ICC or other appropriate organization.

These have been desirable qualification patterns. We are not suggesting that these patterns should be a minimum standard, or that a candidate must satisfy all elements of a suggest pattern. Each local government agency must assess their individual needs, conditions, and availability of candidates.

Many local jurisdictions advertise available building department positions on the websites of the International Code Council (ICC), ICC Chapters and CALBO shown on page 18.

CHAPTER 7: CONCLUSION

We hope you have found this booklet helpful and that you better understand the mandates placed on your building department. We urge you to become acquainted with our website (<http://www.bsc.ca.gov>) and the educational materials available there and require that your building department personnel do the same. They should be regular visitors to our website and use all the educational materials. This is especially important for newly hired personnel.

The following websites may be useful to you and your building department staff.

State laws: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>

State Regulations: <http://www.oal.ca.gov>

California Legislature: <http://www.legislature.ca.gov>

Department of Housing and Community Development: <http://www.hcd.ca.gov>

Division of the State Architect: <http://www.dgs.ca.gov/dsa/home.aspx>

Office of the State Fire Marshal: <http://osfm.fire.ca.gov>

Office of Statewide Health Planning and Development: <http://www.oshpd.ca.gov>

Contact our office anytime you have questions relating to your building department responsibilities or the application of Title 24. Written comments and suggestions regarding this booklet are welcomed in order that future editions will be more effective. Address written comments and suggestions to:

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

Comments and suggestions may also be sent by email to the attention of Jim McGowan, Executive Director at cbsc@dgs.ca.gov. You may also use our "Feedback" feature on our website.

